



Los Angeles County
Department of Regional Planning

Planning for the Challenges Ahead



Bruce W. McClendon, FAICP
Director of Planning

October 21, 2008

The Honorable Board of Supervisors
County of Los Angeles
383 Kenneth Hahn Hall of Administration
500 West Temple Street
Los Angeles, CA 90012

**PROJECT NUMBER R2006-03771-(2)
CONDITIONAL USE PERMIT NUMBER 200600326-(2)
ZONE CHANGE NUMBER 200600013-(2)
(SECOND SUPERVISORIAL DISTRICT) (3 VOTES)**

Land Use Entitlement Request to Continue the Operation and Maintenance of an Existing Industrial Plant for the Storage and Distribution of Gasoline, Diesel, Ethanol, and Distillate Products with Zone Change from M-1.5 (Restricted Heavy Manufacturing) to M-2-DP (Heavy Manufacturing – Development Program)

Dear Supervisors:

IT IS RECOMMENDED THAT YOUR BOARD AFTER THE PUBLIC HEARING:

1. Adopt the attached ordinance, approved as to form by County Counsel, to change zones within the Athens Zoned District as recommended by the Regional Planning Commission (Zone Change No. 200600013-(2)).
2. Instruct County Counsel to prepare the necessary findings to affirm the Regional Planning Commission's approval of Conditional Use Permit No. 200600326.

PURPOSE/JUSTIFICATION OF RECOMMENDED ACTION

The applicant, ConocoPhillips Company requests a zone change and a conditional use permit to continue the operation and maintenance of an existing facility for the storage and distribution of gasoline, diesel, ethanol and distillate products. The requested zone change is from M-1.5 to M-2-DP zone.

The proposed zone change would bring the existing facility in conformance with zoning. The existing industrial plant was first established at the site in the 1950's. The zoning code allowed the subject use in the M-1.5 zone until 1978 when the code was amended. Since then, the existing use is legal nonconforming. The current zoning code

allows the subject use in a M-2 (Heavy Manufacturing) zone with a conditional use permit; thus, the applicant is requesting a zone change. The zone change request has been modified to a "Development Program (DP)" to ensure that the existing use continues as is currently developed at the subject site.

Implementation of Strategic Plan Goals

The proposed zone change promotes the County's Strategic Plan goal of Service Excellence by ensuring that an existing land use is consistent with zoning.

FISCAL IMPACT/FINANCING

Implementation of the zone change should not result in any new significant costs to the County or the Department of Regional Planning. No additional funding is requested in relation to this project.

FACTS AND PROVISIONS/LEGAL REQUIREMENTS

The subject property is located at 13500 South Broadway in the unincorporated community of West Rancho Dominguez – Victoria within the Athens Zoned District.

The property's zoning is M-1.5, surrounding zoning is M-1.5 to the north and south, M-2 to the west, and R-1 to the east. The subject lot is 11.9 acres and developed with tanks for the storage of gasoline, diesel, ethanol, and distillate products; six truck loading racks; office building; garage; and other accessory structures. Surrounding land uses consist of warehouses to the north and south, gas and petroleum processing plant to the east, and single family residences to the west.

The County's General Plan land use policy designation for the subject property is "Major Industrial" appropriate for industrial activities.

A duly noticed public hearing was held before the Regional Planning Commission on September 24, 2008. In support of the proposed project, the applicant testified that the use has been established at the subject site for over 50 years, and that the requested zone change and conditional use permit would allow the continuation of the existing development with appropriate zoning.

One person, representing two neighbors, testified in opposition to the proposed project. The opponent stated that at least two lawsuits, attributing underground contamination to the subject site, are pending against the applicant, and that the site is also under investigation by the Los Angeles Regional Water Quality Control Board.

The Commission discussed the opposition testimony regarding the underground contamination and lawsuits, its relation to land use, and concluded that County Counsel would have sufficient time to consider this information before the proposed project is transmitted to the Board of Supervisors for final action.

There being no further testimony, the Regional Planning Commission closed the public hearing and recommended approval of the zone change and conditional use permit subject to conditions.

ENVIRONMENTAL DOCUMENTATION

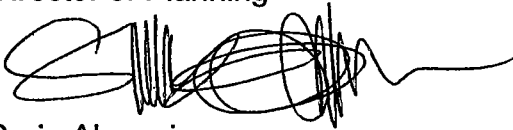
This project has been determined to be categorically exempt under the Class 1 (existing facilities) Categorical Exemption of the California Environmental Quality Act (CEQA) reporting requirements.

IMPACT ON CURRENT SERVICES (OR PROJECTS)

Action on the proposed zone change and conditional use permit is not anticipated to have a negative impact on current services.

Respectfully submitted,

DEPARTMENT OF REGIONAL PLANNING
Bruce W. McClendon, FAICP
Director of Planning

A handwritten signature in black ink, appearing to read 'Sorin Alexanian', with a long horizontal line extending to the right.

Sorin Alexanian
Acting Deputy Director

SA:MC:MKK

c: County Counsel

Attachments: Commission Resolution, Commission Findings and Conditions,
Commission Staff Report and Attachments, Factual

**THE REGIONAL PLANNING COMMISSION
COUNTY OF LOS ANGELES
PROJECT NO. R2006-03771-(2)
ZONE CHANGE NO. 200600013-(2)
CONDITIONAL USE PERMIT NO. 200600326-(2)**

WHEREAS, the Regional Planning Commission of the County of Los Angeles has conducted a public hearing in the matter of Zone Change Case 200600013-(2) on September 24, 2008:

WHEREAS, the Regional Planning Commission finds as follows:

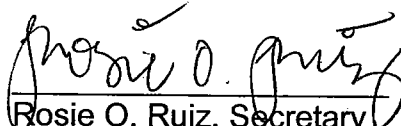
1. The applicant is requesting a zone change from M-1.5 (Restricted Heavy Manufacturing) to M-2-DP (Heavy Manufacturing – Development Program) on a 11.9-acre site and a conditional use permit to continue the existing development, an industrial plant, for the storage and distribution of gasoline, diesel oil, distillate products, and ethanol. The “Development Program” designation of the zone change will limit development to the existing facilities and equipment after rezoning and conform to the approved site plan.
2. The zone change request was heard concurrently with Conditional Use Permit Case No. 200600326.
3. Conditional Use Permit Case No. 200600326 is a related request to continue the operation and maintenance of the existing development for the storage of oil, gasoline, and petroleum finished products and distribution of the same. M-2-DP zoning requires a conditional use permit for such use.
4. The purpose of the “Development Program” designation is to limit development after rezoning to the existing development as depicted in the approved plans and exhibits. Any material change to the existing development may require additional discretionary approval.
5. The subject property is located at 13500 South Broadway Street, in the unincorporated community of West Rancho Dominguez – Victoria, within the Athens Zoned District.
6. The Los Angeles County General Plan Designation for this site is Major Industrial. The intent of this designation is to identify land suitable for manufacturing, warehouse and storage, and research and development. Though the plan recognized the need to preserve existing industrial land for future industrial growth, it also recognizes that some areas identified as Major Industrial may not be suitable for present or future industrial use due to conflicts with existing and emerging land use patterns. Therefore, the subject zone change is designated a “Development Program” zone, which limits development to the existing development.

7. The site plan, labeled "Exhibit A", shows two parcels with a total lot area of 11.9 acres developed with existing 12 oil tanks, office, garage, truck loading rack, 21 parking spaces and other appurtenant structures and equipment.
8. One person expressed concern that the zone change would allow for future expansion of the use at the subject property.
9. The requested zone change from M-1.5 to M-2-DP will not be out of character with the area, as the surrounding zoning to the north and south is M-1.5 and to the west, M-2. And the existing development was established and has continued since 1950's.
10. Pursuant to the provisions of Sections 22.60.174 and 22.60.175 of the County Code, the community was appropriately notified of the public hearing by mail, newspaper and on-site posting.
11. The location of the documents and other materials constituting the record of proceedings upon which the Commission's decision is based in this matter is at the Los Angeles County Department of Regional Planning, 13th Floor, Hall of Records, 320 West Temple Street, Los Angeles, CA 90012. The custodian of such documents and materials shall be the Section Head of the Zoning Permits I Section, Los Angeles County Department of Regional Planning.

RESOLVED, That the Regional Planning Commission recommends to the Board of Supervisors of the County of Los Angeles as follows:

1. Change of zone from M-1.5 to M-2-DP.
2. That the Board of Supervisors find the recommended zoning is consistent with the Los Angeles County General Plan.
3. That the Board of Supervisors hold a public hearing to consider the above recommended zone change.

I hereby certify that the foregoing resolution was adopted by a majority of the voting members of the Regional Planning Commission on the County of Los Angeles on September 24, 2008.


Rosie O. Ruiz, Secretary
County of Los Angeles
Regional Planning Commission

VOTE:

Concurring: Bellamy, Valadez, Rew, Modugno

Dissenting: None

Abstaining: None

Absent: Helsley

Action Date: September 24, 2008

MC: MKK
9/24/08

ZONING CASE NUMBER 200600013-(2)

ORDINANCE NUMBER _____

An ordinance amending Section 22.16.230 of Title 22 of the County Code, changing regulations for the execution of the Los Angeles County General Plan, relating to the Athens Zoned District Number 57.

The Board of Supervisors of the County of Los Angeles ordains as follows:

SECTION 1. Section 22.16.230 of the County Code is amended by amending the map of the Athens Zoned District Number 57 as shown on the map attached hereto.

SECTION 2. The Board of Supervisors finds that this ordinance is consistent with the Los Angeles County General Plan of the County of Los Angeles.

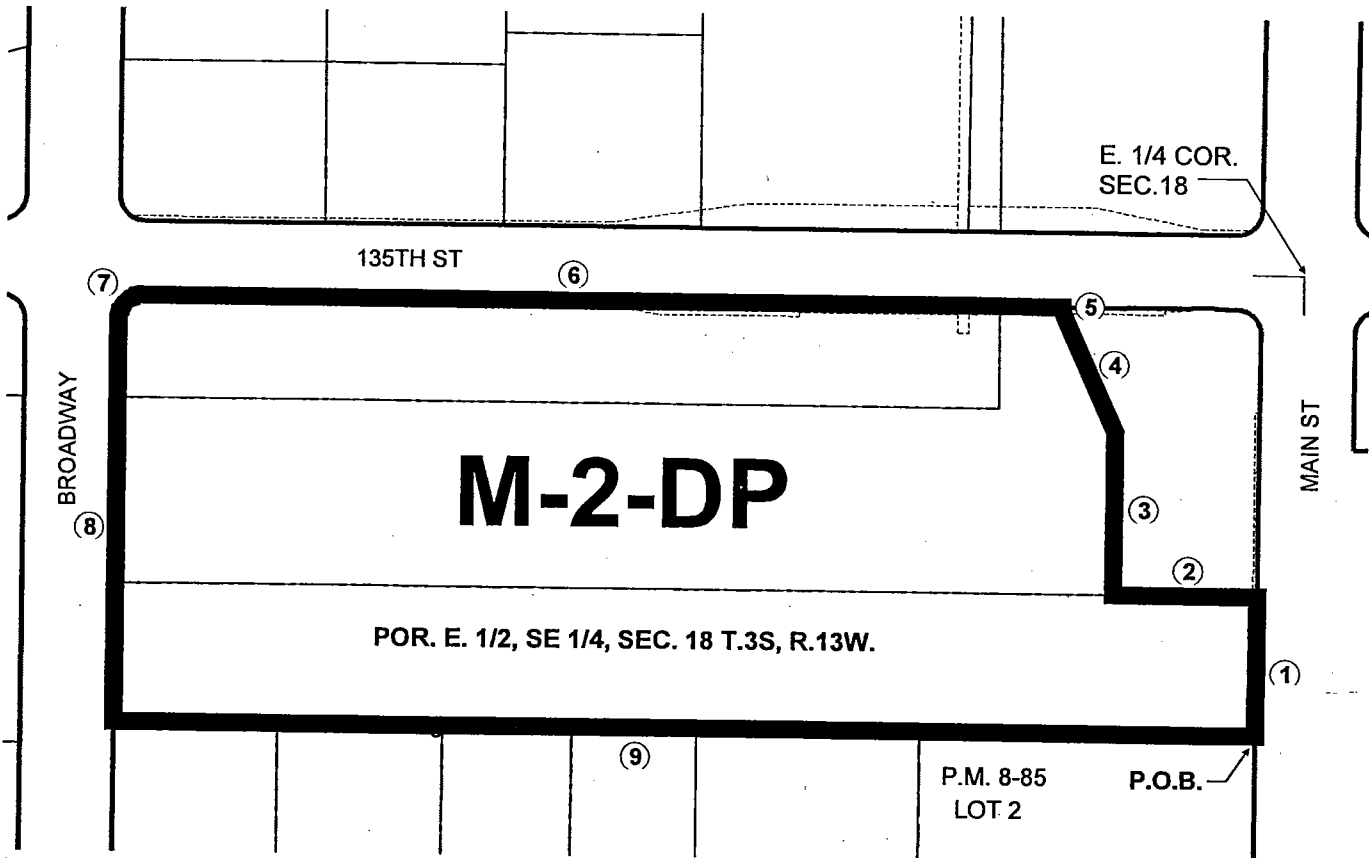
CHANGE OF PRECISE PLAN
ATHENS ZONED DISTRICT

ADOPTED BY ORDINANCE: _____

ON: _____

ZONING CASE: **ZC 2006-00013 (2)**

AMENDING SECTION: 22.16.230 OF THE COUNTY CODE









LEGAL DESCRIPTION:

THAT POR. OF THE N. 500' OF THE E. 1/2 OF THE SE. 1/4 OF SEC. 18 T.3S. R.13W. SAN BERNARDINO MERIDIAN, IN THE COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, DESCRIBED AS FOLLOWS: COMMENCING AT THE NW. COR. OF LOT 2 OF PARCEL MAP AS PER BOOK 8 PAGE 85, IN THE OFFICE OF THE RECORDER OF SAID COUNTY

- (1) N'LY 150' ALONG THE W'LY LINE OF MAIN ST
- (2) W'LY 153' ALONG THE S. LINE OF N'LY 350' OF E. 1/2 OF SE. 1/4 OF SAID SECTION
- (3) N.00-01-15E. 176.30'
- (4) N.24-43-57W. 143.06'
- (5) N.00-01-15E. 3.70' TO S'LY LINE OF 135TH ST
- (6) W'LY 986.18' ALONG SAID S'LY LINE
- (7) SW'LY 42.37' ALONG A CURVE CONCAVE TO SE., RADIUS 27', TANGENT TO SAID S'LY LINE OF 135TH AND TANGENT TO E'LY LINE OF BROADWAY
- (8) S'LY 433.04' ALONG E'LY LINE OF BROADWAY TO S. LINE OF N. 500' OF E. 1/2 OF SE. 1/4 OF SAID SECTION
- (9) E'LY 1067.90' ALONG SAID S'LY LINE TO THE POINT OF BEGINING

DIGITAL DESCRIPTION: \ZCO\ZD_ATHENS\

LEGEND:

-  PARCELS
-  STREET / RIGHT OF WAY
-  LOT LINE
-  CUT/DEED LINE
-  EASEMENT LINE
-  ZONE CHANGE AREA



0 100 200
FEET

COUNTY ZONING MAP
078H201

THE REGIONAL PLANNING COMMISSION
COUNTY OF LOS ANGELES
HAROLD V. HELSLEY, CHAIR
BRUCE W. McCLENDON, PLANNING DIRECTOR



Los Angeles County
Department of Regional Planning

Planning for the Challenges Ahead



Bruce W. McClendon, FAICP
Director of Planning

September 25, 2008

Charles J. Moore, Esq.
Cox, Castle & Nicholson LLP
2049 Century Park East, 28th Floor
Los Angeles, CA 90067

Regarding: Project No. R2006-03771-(2)
Conditional Use Permit No. 200600326-(2)
Zone Change No. 200600013-(2)
13500 S. Broadway
Los Angeles, CA 90061

Dear Mr. Moore:

The Regional Planning Commission, by its action of September 24, 2008, is recommending **APPROVAL** of the zone change to the Los Angeles County Board of Supervisors and approved the conditional use permit. The attached documents contain the Regional Planning Commission's findings and conditions relating to this action. Please carefully review each condition.

Please be advised that all permits associated with the legislative matter(s) is/are automatically called up for review by the Board of Supervisors. Therefore, final action has not been taken on these matters and no appeal is available at this stage. The Executive Office of the Board of Supervisors will provide notice of a future public hearing on this matter.

For further information pertaining to these approvals and approval recommendation, please contact Mi Kim in the Zoning Permits Section I at (213) 974-6443.

Sincerely,

DEPARTMENT OF REGIONAL PLANNING
Bruce W. McClendon, FAICP
Director of Planning

Mark Child, Supervising Regional Planner
Zoning Permits I Section

Enclosures: Findings and Conditions, Affidavit (Permittee's Completion)

MC:MKK
9/25/2008

FINDINGS AND ORDER OF THE REGIONAL PLANNING COMMISSION COUNTY OF LOS ANGELES

**PROJECT NUMBER R2006-03771-(2)
ZONE CHANGE NO. 200600013-(2)
CONDITIONAL USE PERMIT NO. 200600326-(2)**

REQUEST:

The applicant, ConocoPhillips Company, requests a conditional use permit, and a zone change from M-1.5 (Restricted Heavy Manufacturing) to M-2-DP (Heavy Manufacturing – Development Program), to allow the continued operation and maintenance of an existing industrial plant for the storage and distribution of gasoline, diesel, ethanol, and distillate products.

REGIONAL PLANNING COMMISSION HEARING DATE: September 24, 2008.

PROCEEDINGS BEFORE THE REGIONAL PLANNING COMMISSION:

September 24, 2008 Public Hearing

A duly noticed public hearing was held before the Regional Planning Commission. The applicant was represented by Mr. Peter Hersh and Mr. James Greene. Mr. Hersh testified in support of the proposed project stating that the use has been established at the subject site for over 50 years and the requested zone change and conditional use permit would allow the continuation of the existing development with appropriate zoning. Mr. Hersh requested relief from the condition requiring a covenant to hold the properties as one.

One person, representing two neighbors testified in opposition to the proposed project. Mr. John Melvin testified to the following: the subject property has contaminated neighboring properties, at least two lawsuits are currently pending regarding the underground contamination, and the subject property is under investigation by the Los Angeles Regional Water Quality Control Board.

The Commission discussed the opposition testimony regarding underground contamination and lawsuits, its relation to land use and the whether County Counsel would have sufficient time to consider this information before the proposed project is transmitted to the Board of Supervisors for final action.

There being no further testimony, the Regional Planning Commission closed the public hearing and recommended approval of the zone change and conditional use permit subject to conditions.

Commissioners Bellamy, Valadez, Rew, and Modugno were present. Commissioner Helsley was absent.

Findings

1. The applicant requests a conditional use permit, and a zone change from M-1.5 (Restricted Heavy Manufacturing) to M-2-DP (Heavy Manufacturing – Development Program), to allow the continued operation and maintenance of an existing industrial plant for the storage and distribution of gasoline, diesel, ethanol, and distillate products.
2. The property is located at 13500 South Broadway Street, Los Angeles, within the West Rancho Dominguez-Victoria community, Athens Zoned District.
3. The subject property is zoned M-1.5 (Restricted Heavy Manufacturing). The surrounding zoning is M-1.5 to the north and south, M-2 (Heavy Manufacturing) to the west, and R-1 (Single Family Residence).
4. The existing development is a legal nonconforming use first established in the 1950's as a truck parking lot with truck fueling.
5. The subject property is currently developed with 12 oil tanks, office building, garage, truck fuel loading racks, and other appurtenant tanks and structures. The surrounding land use is warehouses to the north; manufacturing and warehouses to the south; gas and petroleum processing plant to the west; and single-family residence to the east.
6. The zone change from M-1.5 to M-2 is restricted to a DP – "Development Program" zone (M-2-DP). The "Development Program" designation limits the zone change to the existing development as depicted in the approved site plan. Any material change to the existing development may require additional discretionary approval.
7. Section 22.40.030 of the County Code states that the purpose of the "Development Program" is to ensure that development conforms to the plans and exhibits submitted by the applicant in instances where such plans and exhibits constitute a critical factor in the decision to rezone. The applicant stated that the purpose of the zone change request was to ensure that zoning is compatible with the existing development.
8. The proposed project was deemed categorically exempt from the requirements of the California Environmental Quality Act as the entitlement and zone change requested are to allow the continuation of the existing development with correct zoning and conditional use permit instead of as a legal nonconforming use.

9. The land use designation for the subject property within the Los Angeles County General Plan is "I"- Major Industrial. The existing development is compatible with the designated land use policy and goals. The rezoning of the subject property to M-2-DP zone is also compatible with the designated land use policy and goals.
10. To ensure that the project remains compatible with the surrounding community, fencing is required in compliance with Section 22.52.610 (Outside Storage and Display, Specifications for Fences and Walls) except if existing development and site constraints make compliance with these provisions unfeasible.
11. To ensure that the project remains compatible with the surrounding community, landscaping is required in compliance with Section 22.52.630 (Outside Storage and Display, Landscaping Requirements) except if existing development and site constraints make compliance with these provisions unfeasible.
12. To ensure that the project remains compatible with the surrounding community, compliance with the West Rancho Dominguez – Victoria Community Standards District Section 22.44.130 C (Community-wide Development Standards) and Section 22.44.130 D.7 (Zone Specific Development Standards, M-1.5) are required.
13. Pursuant to the provisions of Sections 22.60.174 and 22.60.175 of the County Code, the community was appropriately notified of the public hearing by mail, newspaper and property posting.
14. To assure continued compatibility between the use of the subject property allowed by this grant and surrounding land uses, the Regional Planning Commission determines that it is necessary to limit the term of the grant to 15 years, with an additional 5 years with a director's review, if the use is found to be in substantial compliance with the conditions of approval.
15. The location of the documents and other materials constituting the record of proceedings upon which the Commission's decision is based in this matter is at the Los Angeles County Department of Regional Planning, 13th Floor, Hall of Records, 320 West Temple Street, Los Angeles, CA 90012. The custodian of such documents and materials shall be the Section Head of the Zoning Permits I Section, Los Angeles County Department of Regional Planning.

BASED ON THE FOREGOING, REGARDING THE CONDITIONAL USE PERMIT BURDEN OF PROOF, THE REGIONAL PLANNING COMMISSION CONCLUDES:

- A. That the requested use at the location proposed will not:

1. Adversely affect the health, peace, comfort or welfare of persons residing or working in the surrounding area, or
 2. Be materially detrimental to the use, enjoyment or valuation of property of other persons located in the vicinity of the site, or
 3. Jeopardize, endanger or otherwise constitute a menace to the public health, safety or general welfare.
- B. That the proposed site is adequate in size and shape to accommodate the yards, walls, fences, parking and loading facilities, landscaping and other development features prescribed in this Title 22, or as is otherwise required in order to integrate said use with the uses in the surrounding area.
- C. That the proposed site is adequately served:
1. By highways or streets of sufficient width and improved as necessary to carry the kind and quantity of traffic such use would generate, and
 2. By other public or private service facilities as are required.

AND, REGARDING THE REQUIRED FINDINGS FOR THE ZONE CHANGE, THE REGIONAL PLANNING COMMISSION CONCLUDES:

- D. That modified conditions warrant a revision in the zoning plan as it pertains to the area or district under consideration; and
- E. That a need for the proposed zone classification exists within such area or district; and
- F. That the particular property under consideration is a proper location for said zone classification within such area or district; and
- G. That placement of the proposed zone at such location will be in the interest of public health, safety and general welfare, and in conformity with good zoning practice; and
- H. That the development program, approved through Conditional Use Permit No. 200600326, provide necessary safeguards to ensure completion of the proposed project by the applicant forestalling substitution of a lesser type of development contrary to the public convenience, welfare or development needs of the area.

PROJECT NO. R2006-03771-(2)
CONDITIONAL USE PERMIT NO. 200600326-(2)
ZONE CHANGE NO. 200600013-(2)

FINDINGS
PAGE 5 of 5

AND, THEREFORE, the information submitted by the applicant and presented at the hearing substantiates the required findings a the conditional use permit and zone change as set forth in Section 22.56.090 and Section 22.16.100 of the Los Angeles County Code (Zoning Ordinance).

REGIONAL PLANNING COMMISSION ACTION:

In view of the findings of fact presented above, Conditional Use Permit No. 200600326-(2) with findings and conditions is **APPROVED**.

c: Each Commissioner, Zoning Enforcement, Building and Safety

VOTE:

Concurring:

Dissenting:

Abstaining:

Absent:

Action Date:

MC:MKK
9/24/08

This grant authorizes the continuation of the existing industrial plant, consisting of tanks, fueling rack, office building, and other appurtenant equipment and structures, for the storage and distribution of gasoline, diesel oil, distillate projects, and ethanol, in accordance with the approved Exhibit "A" and subject to the following conditions:

1. Unless otherwise apparent from the context, the term "permittee" shall include the applicant and any other person, corporation, or other entity making use of this grant.
2. This grant shall not be effective for any purpose until the permittee, and the owner of the subject property if other than the permittee, have filed at the office of the Department of Regional Planning their affidavit stating that they are aware of and agree to accept all of the conditions of this grant, and that the conditions of the grant have been recorded as required by Condition No. 7, and until all required inspection and processing fees have been paid pursuant to Condition No. 9.
3. The permittee shall defend, indemnify and hold harmless the County, its agents, officers, and employees from any claim, action, or proceeding against the County or its agents, officers, or employees to attack, set aside, void or annul this permit approval, which action is brought within the applicable time period of Government Code Section 65009. The County shall notify the permittee of any claim, action, or proceeding and the County shall reasonably cooperate in the defense.
4. In the event that any claim, action, or proceeding as described above is filed against the County, the permittee shall within ten days of the filing pay the Department of Regional Planning an initial deposit of \$5,000, from which actual costs shall be billed and deducted for the purpose of defraying the expenses involved in the department's cooperation in the defense, including but not limited to, depositions, testimony, and other assistance to permittee or permittee's counsel. The permittee shall also pay the following supplemental deposits, from which actual costs shall be billed and deducted:
 - a. If during the litigation process, actual costs incurred reach 80 percent of the amount on deposit, the permittee shall deposit additional funds sufficient to bring the balance up to the amount of the initial deposit. There is no limit to the number of supplemental deposits that may be required prior to completion of the litigation.
 - b. At the sole discretion of the permittee, the amount of an initial or supplemental deposit may exceed the minimum amounts defined herein.

The cost for collection and duplication of records and other related documents will be paid by the permittee in accordance with Los Angeles County Code Section 2.170.010.

5. This grant will expire unless used within one hundred and twenty (120) days from the date of approval. A one-month time extension may be requested, in writing with payment of the applicable fee. The Director may approve the time extension request. Compliance with condition No. 2 shall constitute use of this grant.
6. If any provision of this grant is held or declared to be invalid, the permit shall be void, and the privileges granted hereunder shall lapse.
7. Prior to the use of this grant, the property owner or permittee shall record the terms and conditions of the grant in the office of the County Recorder. In addition, upon any transfer or lease of the subject property during the term of this grant, the property owner or permittee shall promptly provide a copy of the grant and its conditions to the transferee or lessee of the subject property. Upon recordation, an official copy of the recorded conditions shall be provided to the Director.
8. **This grant will terminate September 24, 2023.** Entitlement to the use of the property thereafter shall be subject to the regulations then in effect. Upon written request made by the permittee not less than six (6) months prior to the termination date, the Director of Planning shall extend the term of this permit for five (5) years to February 6, 2028, if the use is found to be in substantial compliance with the conditions of approval and has been conducted in compliance with applicable laws and regulations, and the permittee has exercised utmost diligence to resolve any Notice of Violation throughout the term of the permit.
9. The subject property shall be maintained and operated in full compliance with the conditions of this grant and any law, statute, ordinance, or other regulation applicable to any development or activity on the subject property. Failure of the permittee to cease any development or activity not in full compliance shall be a violation of these conditions. The permittee shall deposit with the County of Los Angeles the sum of **\$1,200**. The fee shall be placed in a performance fund which shall be used exclusively to compensate the Department of Regional Planning for all expenses incurred while inspecting the premises to determine the permittee's compliance with the conditions of approval. These funds provide for one initial inspection within six months and biannual inspections for the term of the grant, for a total of 8 inspections. Inspections shall be unannounced.
 - a. In the event that a Director's Review is approved after the initial approval of the permit, the permittee shall deposit with the County of Los Angeles an additional sum of **\$750**. The fee shall be placed in a performance fund, which shall be used exclusively to compensate the Department of Regional Planning for all expenses incurred while inspecting the premises to determine the permittee's compliance with the conditions of approval. These

funds provide for annual inspections for the term of the grant, for a total of five (5) additional inspections. Inspections shall be unannounced.

- b. If any inspection discloses that the subject property is being used in violation of any conditions of this grant, the permittee shall be financially responsible and shall reimburse the Department of Regional Planning for all additional enforcement efforts necessary to bring the subject property into compliance. Inspections shall be made to ensure compliance with the conditions of this grant as well as adherence to development in accordance with the site plan on file.

10. Notice is hereby given that any person violating a provision of this grant is guilty of a misdemeanor. Notice is further given that the Regional Planning Commission or a hearing officer may, after conducting a public hearing, revoke or modify this grant, if the Commission or hearing officer finds that these conditions have been violated or that this grant has been exercised so as to be detrimental to the public's health or safety or so as to be a nuisance.
11. Upon approval of this grant, the permittee shall contact the Fire Prevention Bureau of the Los Angeles County Forester and Fire Warden to determine what facilities may be necessary to protect the property from fire hazard. Any necessary facilities shall be provided as may be required by said Department.
12. All requirements of the Zoning Ordinance and of the specific zoning of the subject property must be complied with unless specifically modified by this grant, as set forth in these conditions or shown on the approved plans.
13. The subject property shall be developed and maintained in compliance with requirements of the Los Angeles County Department of Health Services. Adequate water and sewage facilities shall be provided to the satisfaction of said department.
14. All structures shall comply with the requirements of the Division of Building and Safety of the Department of Public Works.
15. All structures, walls, and fences open to public view shall remain free of graffiti, extraneous markings, drawings, or signage. These shall include any of the above that do not provide pertinent information about said premises.
16. In the event of graffiti or other extraneous markings occurring, the permittee shall remove or cover said markings, drawings, or signage within twenty-four (24) hours of such occurrence, weather permitting. Paint utilized in covering such markings shall be of a color that matches, as closely as possible, the color of the adjacent surfaces. The only exceptions shall be seasonal decorations.

17. The subject property shall be developed and maintained in substantial compliance with the plans marked Exhibit "A." If changes to the site plan are required as a result of instructions given at the public hearing, a Revised Exhibit "A" shall be submitted to the Department of Regional Planning within sixty (60) days of the date of approval for the Conditional Use Permit.
18. Within sixty (60) days of approval of this grant, the permittee shall submit to the Director for review and approval three (3) copies of a landscape plan that may be incorporated into the Revised Exhibit "A". The landscape plan shall indicate the size, number and type of all plants, trees and an automatic irrigation system. All landscaping shall be maintained in a neat, clean and healthful condition, including proper pruning, weeding, and removal of litter, fertilizing and replacement of plants when necessary.
19. Light levels shall conform to those required by Cal/OSHA and all lights will be shielded to minimize stray light emissions from the site.
20. The permittee shall prohibit from initiating any activity for which an Industrial Waste Disposal Permit and/or Underground Storage Tanks Permit is required at the subject site before the required or revised permit is obtained from the Department of Public Works. The activities covered include, but are not limited to, the installation, modification, or removal of any underground storage tank and/or industrial waste control facility. For purposes of this condition, an industrial waste control facility includes its permanent structures for treating storm water runoff.
21. All conditions required by Section 22.40.070 shall apply to this grant as follows:
 - a. No building or structure of any kind except a temporary structure used only in the developing of the property according to the program shall be built, erected, or moved onto any part of the property.
 - b. No existing building or structure which under the program is to be demolished shall be used.
 - c. No existing building or structure which, under the program, is to be altered shall be used until such building or structure has been so altered.
 - d. All improvements shall be completed prior to the occupancy of any structures.
 - e. Where one or more buildings in the projected development are designated as primary buildings, building permits for structures other than those so designated shall not be issued until the foundations have been constructed for such primary building or buildings.

22. All conditions required by Section 22.40.080 shall apply to this grant as follows:
- a. Upon expiration of an unused conditional use permit in Zone ()-DP, or if no application for a conditional use permit has been filed within two years following the effective date of an ordinance placing property in Zone ()-DP, the commission shall, within 60 days thereafter, investigate the circumstances resulting in failure to apply for or use such conditional use permit.
 - b. In all cases the commission may extend such time for a period of not to exceed one year, provided an application requesting such extension is filed prior to such expiration date.
 - c. If neither the applicant, nor the person who on the latest available assessment roll appears to be the owner of the property involved, substantiates to the commission's satisfaction that additional time should be granted for the filing of an application for, or reapplication for, a conditional use permit, the commission shall institute proceedings to rezone such property to the zone in existence prior to the adoption of Zone ()-DP or to such other zone as may be deemed appropriate.
 - d. If upon the expiration of additional time granted by the commission no application has been filed for a conditional use permit, or if a second conditional use permit has expired unused, the commission shall initiate proceedings to rezone such property as provided in this section.
23. The permittee shall comply with all conditions of the Los Angeles County Department of Public Works letter dated May 1, 2008, or as otherwise required by the said Department.
24. The permittee shall comply with all conditions of the Los Angeles County Fire Department letter dated July 29, 2008 or as otherwise required by the said Department.
25. The permittee shall record a covenant to the satisfaction of the Planning Director agreeing to hold the parcels (APN's 6132042022, 6132042023, 6132042024) as one, which shall be in effect until released by the authority of the County of Los Angeles upon submittal of request, applicable fees and evidence that the Covenant and Agreement is no longer required by law.
26. Within 60 days of approval, the permittee shall submit a maintenance schedule of all the storage tanks on-site indicating the painting schedule.
27. The perimeter of the subject property is subject to the following development standards and subject to the approval of a landscaping plan as required by Condition No 18:

- a. For properties abutting residential zone or street, a solid masonry wall or solid fence at least eight feet in height in compliance with 22.52.610 along the property lines separating the two uses shall be erected.
- b. All fences and walls shall be of uniform height and shall not exceed 15 feet in height.
- c. All fences and walls open to view from any street or highway or any area in a residential, agricultural or commercial zone shall be constructed of either metallic panels, at least .024 inches thick, painted with a "baked on" enamel or similar permanent finish or masonry wall.
- d. Fences which are not open to view from any street or highway or any area in a residential, agricultural or commercial zone may be constructed of material other than as specified above provided that they be maintained and in good condition.
- e. All fences and walls, excluding masonry and approved permanent-finish panels, shall be painted a uniform, neutral color, excluding black, which blends with the surrounding terrain, and improvements shall be maintained in a neat, orderly condition at all times.
- f. No portion of the wall or fence shall be used for advertising or display purposes except for the name and address of the firm occupying the premises, and such identification sign shall not consist of an aggregate area in excess of 30 square feet.
- g. Fences or walls located on street or highway frontages shall be set back at least three feet from the property line. The area between the fence and the lot line shall be fully landscaped according to the specifications described in Section 22.52.630 (Landscaping). Landscaping shall be planted so as to completely screen the fence within five years from the date of erection of the fence.
- h. For properties abutting a residential zone, a landscaped buffer of at least five feet shall be provided and shall be automatically irrigated by a permanent watering system. One 15-gallon tree for every 50 square feet of landscaped area shall be planted equally spaced within the buffer strip.
- i. No planting area shall have a horizontal dimension of less than three feet.
- j. Landscaping shall be maintained in a neat, clean and healthful condition, including proper pruning, weeding, removal of litter, fertilizing and replacement of plants when necessary.

- k. A permanent watering system shall be provided which satisfactorily irrigates all planted areas. Where the watering system consists of hose bibs alone, these bibs shall be located not more than 50 feet apart within the required landscaped area. Sprinklers used to satisfy the requirements of this provision shall be spaced to assure complete coverage of the required landscape area.
- l. Buildings and structures shall be set back a minimum of ten feet from the front property line. The front 10 feet of the setback, not including access, parking, and circulation areas, shall be landscaped.
- m. In order to mitigate noise, all loading docks shall be located as far distant as feasible from adjoining residential zones.
- n. A building or structure located within 250 feet of a residential zone shall not exceed a height of 45 feet above grade, excluding chimneys and rooftop antennas.
- o. A building or structure located more than 250 feet from a residential zone shall not exceed a height of 90 feet above grade, excluding chimneys and rooftop antennas.
- p. The use authorized hereby shall be conducted at all times with due regard for the character of the surrounding neighborhood, and the right is reserved to the Regional Planning Commission to impose additional corrective conditions subject to proper notice and applicable procedures, if, in the Commission's opinion, such conditions are proven necessary for the protection of persons in the neighborhood or occupants of adjacent property.

Attachment:

Letter from Department of Public Works dated May 1, 2008

Letter from Fire Department dated June 18, 2008

**THE REGIONAL PLANNING COMMISSION
COUNTY OF LOS ANGELES
PROJECT R2006-03771-(2)
ZONE CHANGE 200600013-(2)**

WHEREAS, the Regional Planning Commission of the County of Los Angeles has conducted a public hearing in the matter of Zone Change Case 200600013-(2) on September 24, 2008:

WHEREAS, the Regional Planning Commission finds as follows:

1. The applicant is requesting a zone change from M-1.5 (Restricted Heavy Manufacturing) to M-2-DP (Heavy Manufacturing – Development Program) on a 11.9-acre site and a conditional use permit to continue the existing development, an industrial plant, for the storage and distribution of gasoline, diesel oil, distillate products, and ethanol. The “Development Program” designation of the zone change will limit development to the existing facilities and equipment after rezoning and conform to the approved site plan.
2. The zone change request was heard concurrently with Conditional Use Permit Case No. 200600326.
3. Conditional Use Permit Case No. 200600326 is a related request to continue the operation and maintenance of the existing development for the storage of oil, gasoline, and petroleum finished products and distribution of the same. M-2-DP zoning requires a conditional use permit for such use.
4. The purpose of the “Development Program” designation is to limit development after rezoning to the existing development as depicted in the approved plans and exhibits. Any material change to the existing development may require additional discretionary approval.
5. The subject property is located at 13500 South Broadway Street, in the unincorporated community of West Rancho Dominguez – Victoria, within the Athens Zoned District.
6. The Los Angeles County General Plan Designation for this site is Major Industrial. The intent of this designation is to identify land suitable for manufacturing, warehouse and storage, and research and development. Though the plan recognized the need to preserve existing industrial land for future industrial growth, it also recognizes that some areas identified as Major Industrial may not be suitable for present or future industrial use due to conflicts with existing and emerging land use patterns. Therefore, the subject zone change is designated a “Development Program” zone, which limits development to the existing development.

7. The site plan, labeled "Exhibit A", shows two parcels with a total lot area of 11.9 acres developed with existing 12 oil tanks, office, garage, truck loading rack, 21 parking spaces and other appurtenant structures and equipment.
8. One person expressed concern that the zone change would allow for future expansion of the use at the subject property.
9. The requested zone change from M-1.5 to M-2-DP will not be out of character with the area, as the surrounding zoning to the north and south is M-1.5 and to the west, M-2. And the existing development was established and has continued since 1950's.
10. Pursuant to the provisions of Sections 22.60.174 and 22.60.175 of the County Code, the community was appropriately notified of the public hearing by mail, newspaper and on-site posting.
11. The location of the documents and other materials constituting the record of proceedings upon which the Commission's decision is based in this matter is at the Los Angeles County Department of Regional Planning, 13th Floor, Hall of Records, 320 West Temple Street, Los Angeles, CA 90012. The custodian of such documents and materials shall be the Section Head of the Zoning Permits I Section, Los Angeles County Department of Regional Planning.

RESOLVED, That the Regional Planning Commission recommends to the Board of Supervisors of the County of Los Angeles as follows:

1. Change of zone from M-1.5 to M-2-DP.
2. That the Board of Supervisors find the recommended zoning is consistent with the Los Angeles County General Plan.
3. That the Board of Supervisors hold a public hearing to consider the above recommended zone change.

I hereby certify that the foregoing resolution was adopted by a majority of the voting members of the Regional Planning Commission on the County of Los Angeles on September 24, 2008.

 Rosie Ruiz, Secretary
 County of Los Angeles
 Regional Planning Commission

VOTE:

Concurring:

Dissenting:

Abstaining:

Absent:

Action Date:

MC: MKK
9/24/08

DRAFT

Regional Planning Commission Transmittal Checklist

Hearing Date
September 24, 2008
Agenda Item Number
7

Project Number: R2006-03771-(2)
Case(s): Zone Change No. 200600013-(2)
Conditional Use Permit No. 200600326-(2)
Contact Person: Mi Kim mkim@planning.lacounty.gov, x46443

Included	NA/None	Document
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Factual
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Property Location Map
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Staff Report
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Draft Findings
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Draft Conditions
<input checked="" type="checkbox"/>	<input type="checkbox"/>	DPW Letter
<input checked="" type="checkbox"/>	<input type="checkbox"/>	FD Letter
<input type="checkbox"/>	<input type="checkbox"/>	Other Department's Letter(s)
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Burden Of Proof Statement(s)
<input type="checkbox"/>	<input type="checkbox"/>	Environmental Documentation (IS, MMP, EIR)
<input type="checkbox"/>	<input type="checkbox"/>	Opponent And Proponent Letters
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Photographs
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Resolution (ZC Or PA)
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Ordinance with 8.5 X 11 Map (ZC Or PA)
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Land Use Radius Map
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Site Plan And Elevations
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Letter from the California Coastal Commission

Reviewed By: Mark Chua



Los Angeles County Department of Regional Planning
320 West Temple Street, Los Angeles, California 90012
Telephone (213) 974-6443

PROJECT NO. R2006-03771-(2)

CASE NO. RCUP 200600326-(2)
RZC 200600013-(2)

RPC/HO MEETING DATE	CONTINUE TO
AGENDA ITEM	7
PUBLIC HEARING DATE	September 24, 2008

APPLICANT ConocoPhillips Company	OWNER ConocoPhillips Company	REPRESENTATIVE Charles J. Moore, Esq
-------------------------------------	---------------------------------	---

REQUEST

Conditional use permit and zone change from M-1.5 (Restricted Heavy Manufacturing) to M-2-DP (Heavy Manufacturing Development Permit) to allow the continued operation and maintenance of an existing facility for the storage and distribution of gasoline, diesel, ethanol, and distillate products.

LOCATION/ADDRESS

13500 South Broadway

ACCESS

South Broadway

ZONED DISTRICT

Athens

ASSESSORS PARCEL NUMBER

613-204-2022, 613-204-2023, 613-204-2024

COMMUNITY

West Rancho Dominguez - Victoria

SIZE

11.9 acres

COMMUNITY STANDARDS DISTRICT

West Rancho Dominguez - Victoria

EXISTING LAND USE		EXISTING ZONING
Project Site	Industrial plant - oil terminal	M-1.5 (Restricted Heavy Manufacturing)
North	Warehouses	M-1.5, B-1 (Buffer Strip)
East	Single family residences	R-1 (Single Family Residence)
South	Manufacturing, warehouses	M-1.5, B-1
West	Gas and petroleum processing plant	M-2

GENERAL PLAN	DESIGNATION	MAXIMUM DENSITY	CONSISTENCY
Countywide	I - Major Industrial	N/A	See Staff Analysis

ENVIRONMENTAL DETERMINATION

Categorical Exemption

PROJECT DESCRIPTION

The subject property is a rectangular, flat, 11.9-acre lot. The site is developed with tanks for the storage of gasoline, diesel oil, ethanol, and distillate products; six truck loading racks and diesel dispensing area for the distribution of the aforementioned products; office building; garage; and other accessory structures. These facilities predate the ordinance regulating such facilities in the current designated zone. A zone change is requested to bring the use and zoning into consistency.

KEY ISSUES

- Satisfaction of Section 22.56.040 of Title 22 of the Los Angeles County Code, conditional use permit burden of proof requirements.
- Satisfaction of Part 2 of Chapter 22.16 of Title 22 of the Los Angeles County Code, Zone changes and amendments.
- Satisfaction of Part 7 of Chapter 22.52 of Title 22 of the Los Angeles County Code, Outside Storage and Display.
- Satisfaction of Section 22.44.130 of Title 22 of the Los Angeles County Code, West Rancho Dominguez - Victoria Community Standards District.
- Consistency with the General Plan.

TO BE COMPLETED ONLY ON CASES TO BE HEARD BY THE BOARD OF SUPERVISORS

STAFF CONTACT PERSON

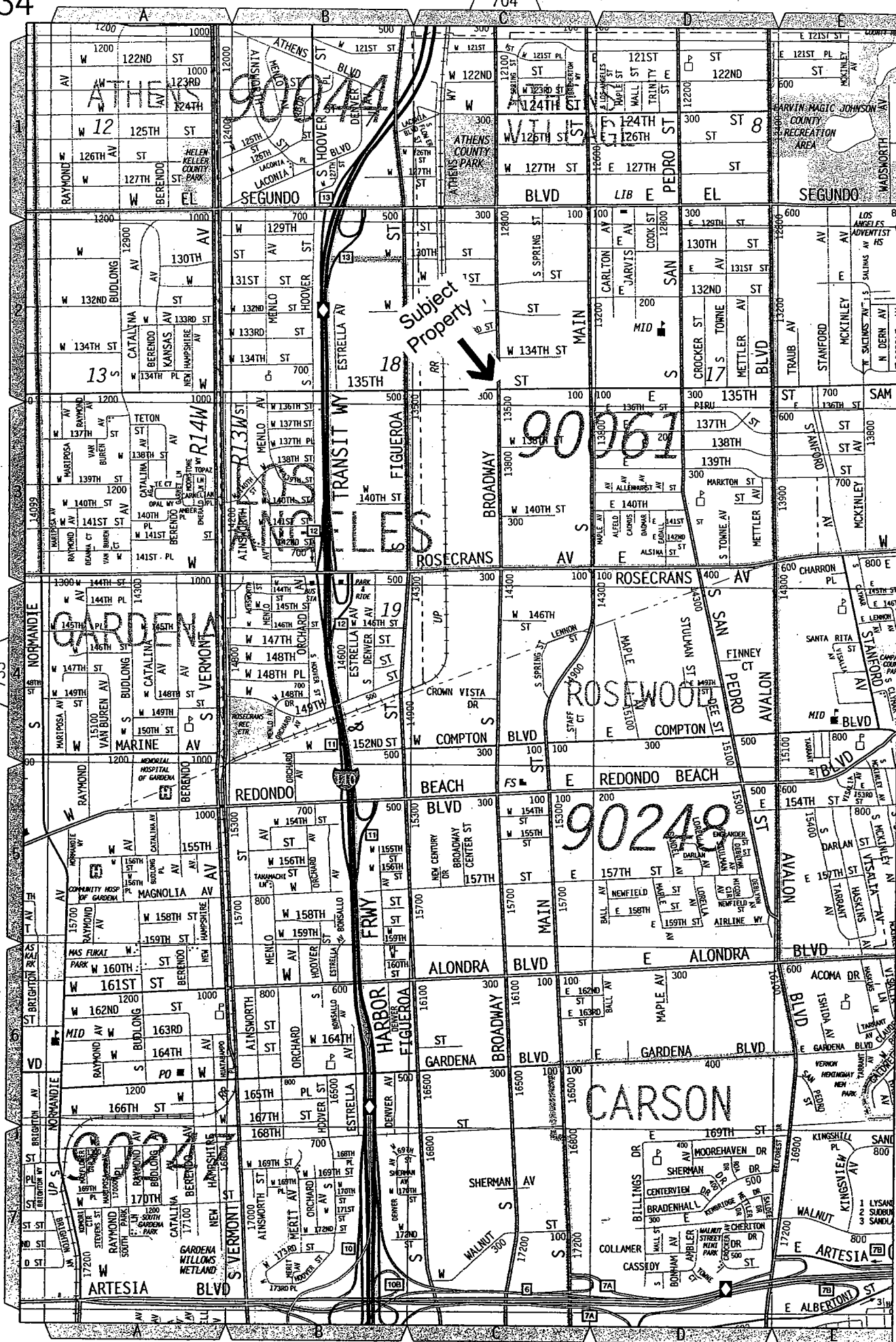
RPC HEARING DATE(S)	RPC ACTION DATE	RPC RECOMMENDATION
MEMBERS VOTING AYE	MEMBERS VOTING NO	MEMBERS ABSTAINING

STAFF RECOMMENDATION (PRIOR TO HEARING)

SPEAKERS*	PETITIONS	LETTERS
(O) (F)	(O) (F)	(O) (F)

*(O) = Opponents (F) = In Favor

SEE 733 MAP



STAFF ANALYSIS
PROJECT NUMBER R2006-03771-(2)
ZONE CHANGE NO. 200600013-(2)
CONDITIONAL USE PERMIT NO. 200600326-(2)

ENTITLEMENT REQUEST

The applicant, ConocoPhillips Company, requests a conditional use permit, and a zone change from M-1.5 (Restricted Heavy Manufacturing) to M-2-DP (Heavy Manufacturing-Development Program), to allow the continued operation and maintenance of an existing industrial plant for the storage and distribution of gasoline, diesel, ethanol, and distillate products.

PROJECT DESCRIPTION

The subject lot is 11.9 acres and developed with an industrial plant consisting of 12 oil tanks with a combine capacity of 114,565 barrels, one-story office building, garage, fuel truck loading rack, and other appurtenant structures and equipments. The industrial plant is located in an M-1.5 zone. Zoning regulations do not permit the storage of oil, gasoline or petroleum products in this zone. However, the existing industrial plant was established prior to this zoning designation; and therefore, it has continued to operate as a legal nonconforming use. The applicant requests a zone change from M-1.5 to M-2-DP to ensure conformance of zoning with the existing development. The M-2 zone designation would allow the storage of oil, gasoline, or petroleum products with a conditional use permit. The "Development Program" designation limits the zone change to the existing development as depicted in the site plan.

DESCRIPTION OF SUBJECT PROPERTY

Location: 13500 South Broadway, Los Angeles, within the West Rancho Dominguez – Victoria community, Athens Zoned District.

Physical Features (topography, vegetation): The subject property is a flat rectangular, 11.9 acre lot. The property is developed with storage tanks, structures, and equipment. The property is mostly paved except for the eastern portion, which is dirt and gravel. Landscaping is not provided on the subject property; however, a pond with limited vegetation is located on the southeast portion of the property.

Access: The main entrance is located on Broadway Street.

EXISTING ZONING

Subject Property: M-1.5 (Restricted Heavy Manufacturing)

PROJECT NO. R2006-03771-(2)
ZONE CHANGE NO. 200600013-(2)
CONDITIONAL USE PERMIT NO. 200600326-(2)

PAGE 2 OF 9

STAFF ANALYSIS

Surrounding Properties:

North: M-1.5, B-1(Buffer Strip)
East: R-1 (Single Family Residence)
South: M-1.5, B-1
West: M-2 (Heavy Manufacturing)

EXISTING LAND USES

Subject Property: The site plan shows that the subject property is developed with an industrial plant consisting of oil tanks, office, garage, truck loading rack, and other appurtenant tanks and structures.

Surrounding Properties:

North: Warehouses
East: Single family residences
South: Manufacturers, warehouses
West: Gas and petroleum processing plant

PREVIOUS CASES/ZONING HISTORY

- Zoning Case 2166 granting exception from A-1 (Light Agriculture) zone for the establishment of a parking lot was approved on September 28, 1948. Interpretation of this grant to include truck fueling at this location was granted on January 31, 1950.
- Zone Exception Case 1868 granting exception from the A-1 zone in order to establish and maintain an office building, parking lot, truck garages, and gate house was approved on January 18, 1955.
- Special Permit 1042 for the storage of oil and petroleum products in excess of 2500 barrels was approved on March 22, 1955. Storage capacity considered at the time was 98,000 barrels confined to 11 tanks.
- Zone Change Case 5077 to allow zone change from A-1, C-3, and M-3 to M-1.5 was approved on October 6, 1966.

LOS ANGELES COUNTYWIDE GENERAL PLAN

The land use designation for the subject property is "I" – Major Industrial. The following goals and policies of the General plan are applicable to the subject property and serve as development guidelines.

- "To provide for land use arrangements that take full advantage of existing public service and facility capacities." (General Plan Land Use Objective, P. LU-8)

The subject property is located in a developed, urban area surrounded by other industrial uses, with access to public services and utilities including water, sewer, and electricity.

- "Protect prime industrial lands from encroachment of incompatible uses."
(General Plan Land Use Policy 4, LU-9)

The existing industrial plant was first established in 1950's. At the time, the subject property was surrounded by oil wells. Surrounding land uses have changed since then. Today, this property and another property to the west, also owned and operated by ConocoPhillips, are the only remaining oil related uses in the area. These two properties are now surrounded by manufacturing businesses and warehouses.

- "Where appropriate, promote more intensive use of industrial sites, especially in areas requiring revitalization." (General Plan Land Use Policy 5, P. LU-9)

Zone change from M-1.5 to M-2-DP has the potential for more intense development of the property.

- "Promote planned industrial development in order to avoid land use conflicts with neighboring activities." (General Plan Land Use Policy 11, P. LU-9)

The existing industrial plant was first established in the 1950's and the "Development Program" designation limits the zone change to the continuation of the existing industrial plant as it is currently developed. This ensures the operation of the subject property as it has in the past, but requires additional discretionary review for further intensification of the use to ensure compatibility with the surrounding area.

SITE PLAN DESCRIPTION

The site plan depicts 12 oil tanks with a capacity of 114,565 barrels, office building, garage, fuel truck loading rack, guardhouse, and other appurtenant sheds and tanks. The site plan also shows twenty-one parking spaces. The total lot area is 518,205 feet or 11.9 acres, the structures and tanks total 40,458 square feet; therefore, lot coverage is 7.8%. The site plan does not show any landscaping, and although the site plan does not show it, there is a small, natural pond with some vegetation on the property.

COMPLIANCE WITH APPLICABLE ZONING STANDARDS

West Rancho Dominguez – Victoria Community Standards District (CSD) and M-2 Zone Development standards.

To improve visual appearance, the CSD specifies fencing and landscaping standards for oil well properties. While the subject property is not developed with oil wells, it is developed with oil storage tanks; thus, development standards for fencing and landscaping should apply to the subject property. M-2 zone development standards specify fencing and landscaping standards for outside storage. Staff

recommends that the development standards for outside storage also be applied to the subject property. Staff recommends the following development standards, aggregated from the CSD and base zone regulations, be required of the applicant. The attached draft conditions contain these requirements.

Fencing

- For properties abutting residential zone or street, a solid masonry wall or solid fence at least eight feet in height along the property lines separating the two uses shall be erected. (Section 22.44.130, Section 22.52.610)
- All fences and walls shall be of uniform height and shall not exceed 15 feet in height. (Section 22.52.610)
- Fences or walls located on street or highway frontages shall be set back at least three feet from the property line. The area between the fence and the lot line shall be fully landscaped. Landscaping shall be planted so as to completely screen the fence within five years from the date of erection of the fence. (Section 22.52.610)
- All fences and walls open to view from any street or highway or any area in a residential, agricultural or commercial zone shall be constructed of either metallic panels, at least .024 inches thick, painted with a "baked on" enamel or similar permanent finish or masonry wall. (Section 22.52.610)
- Fences which are not open to view from any street or highway or any area in a residential, agricultural or commercial zone may be constructed of material other than as specified above provided that they be maintained and in good condition. (Section 22.52.610)
- All fences and walls, excluding masonry and approved permanent-finish panels, shall be painted a uniform, neutral color, excluding black, which blends with the surrounding terrain, and improvements shall be maintained in a neat, orderly condition at all times. (Section 22.52.610)
- No portion of the wall or fence shall be used for advertising or display purposes except for the name and address of the firm occupying the premises, and such identification sign shall not consist of an aggregate area in excess of 30 square feet. (Section 22.52.610)

Landscaping

- For properties abutting a residential zone, a landscaped buffer of at least five feet shall be provided; and one 15-gallon tree for every 50 square feet of landscaped area shall be planted and equally spaced within the buffer strip. (Section 22.44.130)
- All required fences or walls, which are open to view from any street or highway, or any area in a residential, agricultural or commercial zone, shall be provided with at least one square foot of landscaping for each linear foot of such frontage. (Section 22.52.630)

- No planting area shall have a horizontal dimension of less than three feet. (Section 22.52.630)
- Landscaping shall be maintained in a neat, clean and healthful condition, including proper pruning, weeding, removal of litter, fertilizing and replacement of plants when necessary. (Section 22.52.630)
- A permanent watering system shall be provided which satisfactorily irrigates all planted areas. Where the watering system consists of hose bibs alone, these bibs shall be located not more than 50 feet apart within the required landscaped area. Sprinklers used to satisfy the requirements of this provision shall be spaced to assure complete coverage of the required landscape area. (Section 22.52.630)

Setbacks, Buffers

- Buildings and structures shall be set back a minimum of ten feet from the front property line. The front 10 feet of the setback, not including access, parking, and circulation areas, shall be landscaped. (Section 22.44.130)
- In order to mitigate noise, all loading docks shall be located as far distant as feasible from adjoining residential zones. (Section 22.44.130)

Height

- A building or structure located within 250 feet of a residential zone shall not exceed a height of 45 feet above grade, excluding chimneys and rooftop antennas. (Section 22.44.130)
- A building or structure located more than 250 feet from a residential zone shall not exceed a height of 90 feet above grade, excluding chimneys and rooftop antennas. (Section 22.44.130)

The existing facility complies with the following CSD or M-2 zone development standards:

- The maximum lot coverage shall not exceed 70 percent.

The existing lot coverage is 7.8%.

- The minimum lot size shall be 20,000 square feet with a minimum lot width of 100 feet.

The subject property's lot size is 518,205 square feet or 11.9 acres. The lot dimension is approximately 460 feet x 1100 feet.

- Section 22.52.1140 provides parking standards for industrial uses. It requires either one parking space for each two persons on the shift with the largest number of employees or one space for every 500 square feet of floor area of the building used for such use, whichever is the greater.

The subject site has one 4,900 square feet office building and 5 maximum employees per shift. The required parking space is 10. The site plan depicts 21 parking spaces including one handicap parking space.

- Section 22.52.870 provides sign standards for freestanding business sign in the M-2 zone. It allows a 150 square feet sign with an additional three-fourths foot of sign area for each one foot of street or highway frontage in excess of 100 feet.

The subject property has a street frontage of 460 feet on Broadway Street and would be allowed a freestanding sign with a sign face of 495 square feet, approximately 10'x5'. The existing sign is 4' x7'. The sign's minimum allowed height is 30 feet and maximum potential allowed height is 42 feet.

ZONE CHANGE

The requested zone change is from M-1.5 to M-2-DP. Examples of uses allowed in the M-1.5 zone include hospitals, hotels, or schools, which are allowed by right; and grading projects, tattoo parlors, cemeteries, or surface mining operations, which are allowed with a conditional use permit. These same uses are allowed in the M-2 zone. Additionally, M-2 zone allows the following uses, which are not allowed in the M-1.5 zone, with a conditional use permit, for example, automobile dismantling yards, manufacturers, race tracks, or waste disposal facilities.

The purpose of the "Development Program" designation to this zone change request is to limit the development to the "plans and exhibits submitted by the applicant in instances where such plans and exhibits constitute a critical factor in the decision to rezone." (Section 22.40.030) The subject zone change would limit development to the existing development on the property as depicted on the site plan. This limitation was an important factor in the environmental determination of categorical exemption. The existing development is a legal nonconforming use, but the applicant is requesting the zone change to have zoning that is consistent with the existing development.

The requested zone change is compatible with surrounding land uses on three sides. The properties to the north and south are zoned M-1.5 and to the west M-2. However, the zoning to the east is R-1, developed with single-family residences. Staff recommends fencing and landscaping to buffer the subject property from the residential neighborhood.

BURDEN OF PROOF/FINDINGS

Conditional Use Permit Burden of Proof

The applicant is required to substantiate to the satisfaction of the Regional Planning Commission the facts as provided in Section 22.56.040 of the Los Angeles County

PROJECT NO. R2006-03771-(2)
ZONE CHANGE NO. 200600013-(2)

PAGE 7 OF 9

CONDITIONAL USE PERMIT NO. 200600326-(2)

STAFF ANALYSIS

Code. The applicant's response to the Burden of Proof is attached. It is Staff's opinion that the applicant has met the Burden of Proof.

Zone Change Burden of Proof

In addition to the information required in the petition by Section 22.16.100, the applicant shall substantiate to the satisfaction of the commission the following facts:

- A. That modified conditions warrant a revision in the zoning plan as it pertains to the area or district under consideration; and
- B. That a need for the proposed zone classification exists within such area or district; and
- C. That the particular property under consideration is a proper location for said zone classification within such area or district; and
- D. That placement of the proposed zone at such location will be in the interest of public health, safety and general welfare, and in conformity with good zoning practice.

The applicant's responses are attached.

ENVIRONMENTAL DOCUMENTATION

The Department of Regional Planning has determined that a Categorical Exemption, Class 1 (existing facilities), is the appropriate environmental documentation under California Environmental Quality Act (CEQA) reporting requirements.

COUNTY AGENCY COMMENTS AND RECOMMENDATIONS

Department of Public Works

In a letter dated May 1, 2008, Department of Public Works recommends additional conditions regarding drainage, right of way and road improvements, and street lighting. This letter is attached to the draft conditions of approval and compliance with the letter is recommended as a condition of approval.

Fire Department

In a letter dated July 29, 2008, the Fire Department cleared the case for a public hearing, but added that all gates must comply with County's fire regulations and that future modifications shall be subject to Fire Department review.

OTHER AGENCY COMMENTS AND RECOMMENDATIONS

No comments received.

LEGAL NOTIFICATION/COMMUNITY OUTREACH

The hearing notice was mailed to the applicant, 75 neighbors within a 500-foot radius of the project site, and 10 other interested parties on August 20, 2008. Required case materials were mailed to the A.C. Bilbrew Library on August 20, 2008. Newspaper advertisements were published in LA Opinion and the Daily Breeze on August 23, 2008.

PUBLIC COMMENTS

One person called in opposition to the zone change. The caller was concerned that the zone change may lead to the future expansion of the use at the site.

STAFF EVALUATION

The applicant requests a zone change to update zoning to be consistent with the existing development—oil storage tanks, loading racks, office, and other appurtenant structures. The existing facility was first established in 1950's as a parking lot with truck fueling. It was later expanded to include oil storage tanks, office building, and other accessory structures. Land use at the property has evolved since the 1950's. The original zoning on the subject property was A-1 (Light Agriculture). In 1966, after the existing industrial plant was established, a zone change to M-2 (Heavy Agriculture) was requested, but the zone change ultimately granted was M-1.5.

The current M-1.5 zoning is inconsistent with the existing development. The zoning code does not allow storage of oil, gasoline, or petroleum products in the M-1.5 zone, but does allow this use with a conditional use permit in the M-2 zone. The applicant's request for a zone change from M-1.5 to M-2 would make zoning consistent with the existing development. Because of the location of the subject property near residential areas and because the applicant has stated they do not intend to intensify the use or place additional facilities on the property, Staff recommends that the Zone Change and corresponding Conditional Use Permit allow what currently exists on the property or for any replacement equipment. This understanding has been important to the way in which staff has reviewed this project and prepared the environmental document. The "Development Program" to the zone change could limit the zone to the existing development as depicted on the site plan as staff proposes. Subsequent material changes to the approved site plan would require a conditional use permit as provided in Part 2 of Chapter 22.40 of the County Code.

FEES/DEPOSITS

If approved as recommended by staff, the following fee will apply:

Department of Regional Planning, Zoning Enforcement:

Cost recovery deposit of \$1,200 to cover the cost of eight recommended zoning

PROJECT NO. R2006-03771-(2)

PAGE 9 OF 9

ZONE CHANGE NO. 200600013-(2)

CONDITIONAL USE PERMIT NO. 200600326-(2)

STAFF ANALYSIS

enforcement inspections. Additional funds would be required if violations are found on the subject property.

STAFF RECOMMENDATION

The following recommendation is made prior to the public hearing and is subject to change based upon testimony and/or documentary evidence presented at the public hearing.

If the Regional Planning Commission finds the request satisfies the zone change burden of proof and the conditional use permit burden of proof requirements, then staff recommends **APPROVAL** of Zone Change Case No. 200600013-(2) and Conditional Use Permit No. 200600326-(2) subject to the attached conditions.

SUGGESTED APPROVAL MOTION

"I MOVE THAT THE PUBLIC HEARING BE CLOSED AND THAT THE REGIONAL PLANNING COMMISSION RECOMMEND THE APPROVAL OF ZONE CHANGE CASE NO. 200600013-(2) TO THE BOARD OF SUPERVISORS AND TRANSMIT THE NECESSARY DOCUMENTS. I FURTHER MOVE THAT THE REGIONAL PLANNING COMMISSION APPROVES CONDITIONAL USE PERMIT NO. 200600326-(2) WITH FINDINGS AND CONDITIONS."

Prepared by Mi Kim, Principal Regional Planning Assistant

Reviewed by Mark Child, AICP, Supervising Regional Planner

Attachments:

Factual

Vicinity Map

Draft Findings

Draft Conditions of Approval and Other Department Conditions and Comments

Conditional Use Permit Burden of Proof

Zone Change Burden of Proof

Zone Change Resolution

Zone Change Ordinance

Zone Change Map

Site Plan, Floor Plan and Elevations

Land Use Map

GIS Map

Site Photos

MC:MKK 9/24/08

FINDINGS AND ORDER OF THE REGIONAL PLANNING COMMISSION COUNTY OF LOS ANGELES

**PROJECT NUMBER R2006-03771-(2)
ZONE CHANGE NO. 200600013-(2)
CONDITIONAL USE PERMIT NO. 200600326-(2)**

REQUEST:

The applicant, ConocoPhillips Company, requests a conditional use permit, and a zone change from M-1.5 (Restricted Heavy Manufacturing) to M-2-DP (Heavy Manufacturing – Development Program), to allow the continued operation and maintenance of an existing industrial plant for the storage and distribution of gasoline, diesel, ethanol, and distillate products.

REGIONAL PLANNING COMMISSION HEARING DATE: September 24, 2008.

PROCEEDINGS BEFORE THE REGIONAL PLANNING COMMISSION:

Findings

1. The applicant requests a conditional use permit, and a zone change from M-1.5 (Restricted Heavy Manufacturing) to M-2-DP (Heavy Manufacturing – Development Program), to allow the continued operation and maintenance of an existing industrial plant for the storage and distribution of gasoline, diesel, ethanol, and distillate products.
2. The property is located at 13500 South Broadway Street, Los Angeles, within the West Rancho Dominguez-Victoria community, Athens Zoned District.
3. The subject property is zoned M-1.5 (Restricted Heavy Manufacturing). The surrounding zoning is M-1.5 to the north and south, M-2 (Heavy Manufacturing) to the west, and R-1 (Single Family Residence).
4. The existing development is a legal nonconforming use first established in the 1950's as a truck parking lot with truck fueling.
5. The subject property is currently developed with 12 oil tanks, office building, garage, truck fuel loading racks, and other appurtenant tanks and structures. The surrounding land use is warehouses to the north; manufacturing and warehouses to the south; gas and petroleum processing plant to the west; and single-family residence to the east.

6. The zone change from M-1.5 to M-2 is restricted to a DP – “Development Program” zone (M-2-DP). The “Development Program” designation limits the zone change to the existing development as depicted in the approved site plan.
7. Section 22.40.030 of the County Code states that the purpose of the “Development Program” is to ensure that development conforms to the plans and exhibits submitted by the applicant in instances where such plans and exhibits constitute a critical factor in the decision to rezone. The applicant stated that the purpose of the zone change request was to ensure that zoning is compatible with the existing development.
8. The proposed project was deemed categorically exempt from the requirements of the California Environmental Quality Act as the entitlement and zone change requested are to allow the continuation of the existing development with correct zoning and conditional use permit instead of as a legal nonconforming use.
9. The land use designation for the subject property within the Los Angeles County General Plan is “I”- Major Industrial. The existing development is compatible with the designated land use policy and goals. The rezoning of the subject property to M-2-DP zone is also compatible with the designated land use policy and goals.
10. To ensure that the project remains compatible with the surrounding community, fencing is required in compliance with Section 22.52.610.
11. To ensure that the project remains compatible with the surrounding community, landscaping is required in compliance with Section 22.52.630.
12. To ensure that the project remains compatible with the surrounding community, compliance with the West Rancho Dominguez – Victoria Community Standards District Section 22.44.130 C and Section 22.44.130 D.7 is required.
13. Pursuant to the provisions of Sections 22.60.174 and 22.60.175 of the County Code, the community was appropriately notified of the public hearing by mail, newspaper and property posting.
14. To assure continued compatibility between the use of the subject property allowed by this grant and surrounding land uses, the Regional Planning Commission determines that it is necessary to limit the term of the grant to 15 years, with an additional 5 years with a director’s review, if the use is found to be in substantial compliance with the conditions of approval.
15. The location of the documents and other materials constituting the record of proceedings upon which the Commission’s decision is based in this matter is at the Los Angeles County Department of Regional Planning, 13th Floor, Hall of Records,

320 West Temple Street, Los Angeles, CA 90012. The custodian of such documents and materials shall be the Section Head of the Zoning Permits I Section, Los Angeles County Department of Regional Planning.

BASED ON THE FOREGOING, REGARDING THE CONDITIONAL USE PERMIT BURDEN OF PROOF, THE REGIONAL PLANNING COMMISSION CONCLUDES:

- A. That the requested use at the location proposed will not:
 - 1. Adversely affect the health, peace, comfort or welfare of persons residing or working in the surrounding area; or
 - 2. Be materially detrimental to the use, enjoyment or valuation of property of other persons located in the vicinity of the site, or
 - 3. Jeopardize, endanger or otherwise constitute a menace to the public health, safety or general welfare.
- B. That the proposed site is adequate in size and shape to accommodate the yards, walls, fences, parking and loading facilities, landscaping and other development features prescribed in this Title 22, or as is otherwise required in order to integrate said use with the uses in the surrounding area.
- C. That the proposed site is adequately served:
 - 1. By highways or streets of sufficient width and improved as necessary to carry the kind and quantity of traffic such use would generate, and
 - 2. By other public or private service facilities as are required.

AND, REGARDING THE REQUIRED FINDINGS FOR THE ZONE CHANGE, THE REGIONAL PLANNING COMMISSION CONCLUDES:

- D. That modified conditions warrant a revision in the zoning plan as it pertains to the area or district under consideration; and
- E. That a need for the proposed zone classification exists within such area or district; and
- F. That the particular property under consideration is a proper location for said zone classification within such area or district; and
- G. That placement of the proposed zone at such location will be in the interest of public health, safety and general welfare, and in conformity with good zoning practice; and

- H. That the development program, approved through Conditional Use Permit No. 200600326, provide necessary safeguards to ensure completion of the proposed project by the applicant forestalling substitution of a lesser type of development contrary to the public convenience, welfare or development needs of the area.

AND, THEREFORE, the information submitted by the applicant and presented at the hearing substantiates the required findings a the conditional use permit and zone change as set forth in Section 22.56.090 and Section 22.16.100 of the Los Angeles County Code (Zoning Ordinance).

REGIONAL PLANNING COMMISSION ACTION:

In view of the findings of fact presented above, Conditional Use Permit No. 200600326-(2) with findings and conditions is **APPROVED**.

c: Each Commissioner, Zoning Enforcement, Building and Safety

VOTE:

Concurring:

Dissenting:

Abstaining:

Absent:

Action Date:

MC:MKK
9/24/08

This grant authorizes the continuation of the existing industrial plant, consisting of tanks, fueling rack, office building, and other appurtenant equipment and structures, for the storage and distribution of gasoline, diesel oil, distillate projects, and ethanol, in accordance with the approved Exhibit "A" and subject to the following conditions:

1. Unless otherwise apparent from the context, the term "permittee" shall include the applicant and any other person, corporation, or other entity making use of this grant.
2. This grant shall not be effective for any purpose until the permittee, and the owner of the subject property if other than the permittee, have filed at the office of the Department of Regional Planning their affidavit stating that they are aware of and agree to accept all of the conditions of this grant, and that the conditions of the grant have been recorded as required by Condition No. 8, and until all required inspection and processing fees have been paid pursuant to Condition No. 10.
3. The permittee shall defend, indemnify and hold harmless the County, its agents, officers, and employees from any claim, action, or proceeding against the County or its agents, officers, or employees to attack, set aside, void or annul this permit approval, which action is brought within the applicable time period of Government Code Section 65009. The County shall notify the permittee of any claim, action, or proceeding and the County shall reasonably cooperate in the defense.
4. In the event that any claim, action, or proceeding as described above is filed against the County, the permittee shall within ten days of the filing pay the Department of Regional Planning an initial deposit of \$5,000, from which actual costs shall be billed and deducted for the purpose of defraying the expenses involved in the department's cooperation in the defense, including but not limited to, depositions, testimony, and other assistance to permittee or permittee's counsel. The permittee shall also pay the following supplemental deposits, from which actual costs shall be billed and deducted:
 - a. If during the litigation process, actual costs incurred reach 80 percent of the amount on deposit, the permittee shall deposit additional funds sufficient to bring the balance up to the amount of the initial deposit. There is no limit to the number of supplemental deposits that may be required prior to completion of the litigation.
 - b. At the sole discretion of the permittee, the amount of an initial or supplemental deposit may exceed the minimum amounts defined herein.

The cost for collection and duplication of records and other related documents will be paid by the permittee in accordance with Los Angeles County Code Section 2.170.010.

5. This grant will expire unless used within one hundred and twenty (120) days from the date of approval. A one-month time extension may be requested, in writing with payment of the applicable fee. The Director may approve the time extension request. Compliance with condition No. 3 shall constitute use of this grant.
6. If any provision of this grant is held or declared to be invalid, the permit shall be void, and the privileges granted hereunder shall lapse.
7. Prior to the use of this grant, the property owner or permittee shall record the terms and conditions of the grant in the office of the County Recorder. In addition, upon any transfer or lease of the subject property during the term of this grant, the property owner or permittee shall promptly provide a copy of the grant and its conditions to the transferee or lessee of the subject property. Upon recordation, an official copy of the recorded conditions shall be provided to the Director.
8. **This grant will terminate September 24, 2023.** Entitlement to the use of the property thereafter shall be subject to the regulations then in effect. Upon written request made by the permittee not less than six (6) months prior to the termination date, the Director of Planning shall extend the term of this permit for five (5) years to February 6, 2028, if the use is found to be in substantial compliance with the conditions of approval and has been conducted in compliance with applicable laws and regulations, and the permittee has exercised utmost diligence to resolve any Notice of Violation throughout the term of the permit.
9. The subject property shall be maintained and operated in full compliance with the conditions of this grant and any law, statute, ordinance, or other regulation applicable to any development or activity on the subject property. Failure of the permittee to cease any development or activity not in full compliance shall be a violation of these conditions. The permittee shall deposit with the County of Los Angeles the sum of **\$1,200**. The fee shall be placed in a performance fund which shall be used exclusively to compensate the Department of Regional Planning for all expenses incurred while inspecting the premises to determine the permittee's compliance with the conditions of approval. These funds provide for one initial inspection within six months and biannual inspections for the term of the grant, for a total of 8 inspections. Inspections shall be unannounced.
 - a. In the event that a Director's Review is approved after the initial approval of the permit, the permittee shall deposit with the County of Los Angeles an additional sum of **\$750**. The fee shall be placed in a performance fund, which shall be used exclusively to compensate the Department of Regional Planning for all expenses incurred while inspecting the premises to determine the permittee's compliance with the conditions of approval. These

funds provide for annual inspections for the term of the grant, for a total of five (5) additional inspections. Inspections shall be unannounced.

- b. If any inspection discloses that the subject property is being used in violation of any conditions of this grant, the permittee shall be financially responsible and shall reimburse the Department of Regional Planning for all additional enforcement efforts necessary to bring the subject property into compliance. Inspections shall be made to ensure compliance with the conditions of this grant as well as adherence to development in accordance with the site plan on file.
10. Notice is hereby given that any person violating a provision of this grant is guilty of a misdemeanor. Notice is further given that the Regional Planning Commission or a hearing officer may, after conducting a public hearing, revoke or modify this grant, if the Commission or hearing officer finds that these conditions have been violated or that this grant has been exercised so as to be detrimental to the public's health or safety or so as to be a nuisance.
11. Upon approval of this grant, the permittee shall contact the Fire Prevention Bureau of the Los Angeles County Forester and Fire Warden to determine what facilities may be necessary to protect the property from fire hazard. Any necessary facilities shall be provided as may be required by said Department.
12. All requirements of the Zoning Ordinance and of the specific zoning of the subject property must be complied with unless specifically modified by this grant, as set forth in these conditions or shown on the approved plans.
13. The subject property shall be developed and maintained in compliance with requirements of the Los Angeles County Department of Health Services. Adequate water and sewage facilities shall be provided to the satisfaction of said department.
14. All structures shall comply with the requirements of the Division of Building and Safety of the Department of Public Works.
15. All structures, walls, and fences open to public view shall remain free of graffiti, extraneous markings, drawings, or signage. These shall include any of the above that do not provide pertinent information about said premises.
16. In the event of graffiti or other extraneous markings occurring, the permittee shall remove or cover said markings, drawings, or signage within twenty-four (24) hours of such occurrence, weather permitting. Paint utilized in covering such markings shall be of a color that matches, as closely as possible, the color of the adjacent surfaces. The only exceptions shall be seasonal decorations.

17. The subject property shall be developed and maintained in substantial compliance with the plans marked Exhibit "A." If changes to the site plan are required as a result of instructions given at the public hearing, a Revised Exhibit "A" shall be submitted to the Department of Regional Planning within sixty (60) days of the date of approval for the Conditional Use Permit.
18. Within sixty (60) days of approval of this grant, the permittee shall submit to the Director for review and approval three (3) copies of a landscape plan that may be incorporated into the Revised Exhibit "A". The landscape plan shall indicate the size, number and type of all plants, trees and an automatic irrigation system. All landscaping shall be maintained in a neat, clean and healthful condition, including proper pruning, weeding, and removal of litter, fertilizing and replacement of plants when necessary.
19. Light levels shall conform to those required by Cal/OSHA and all lights will be shielded to minimize stray light emissions from the site.
20. The permittee shall prohibit from initiating any activity for which an Industrial Waste Disposal Permit and/or Underground Storage Tanks Permit is required at the subject site before the required or revised permit is obtained from the Department of Public Works. The activities covered include, but are not limited to, the installation, modification, or removal of any underground storage tank and/or industrial waste control facility. For purposes of this condition, an industrial waste control facility includes its permanent structures for treating storm water runoff.
21. All conditions required by Section 22.40.070 shall apply to this grant.
22. All conditions required by Section 22.40.080 shall apply to this grant.
23. The permittee shall comply with all conditions of the Los Angeles County Department of Public Works letter dated May 1, 2008, or as otherwise required by the said Department.
24. The permittee shall comply with all conditions of the Los Angeles County Fire Department letter dated July 29, 2008 or as otherwise required by the said Department.
25. The subject property is subject to the following development standards:
 - a. For properties abutting residential zone or street, a solid masonry wall or solid fence at least eight feet in height in compliance with 22.52.610 along the property lines separating the two uses shall be erected.
 - b. All fences and walls shall be of uniform height and shall not exceed 15 feet in height.

- c. All fences and walls open to view from any street or highway or any area in a residential, agricultural or commercial zone shall be constructed of either metallic panels, at least .024 inches thick, painted with a "baked on" enamel or similar permanent finish or masonry wall.
- d. Fences which are not open to view from any street or highway or any area in a residential, agricultural or commercial zone may be constructed of material other than as specified above provided that they be maintained and in good condition.
- e. All fences and walls, excluding masonry and approved permanent-finish panels, shall be painted a uniform, neutral color, excluding black, which blends with the surrounding terrain, and improvements shall be maintained in a neat, orderly condition at all times.
- f. No portion of the wall or fence shall be used for advertising or display purposes except for the name and address of the firm occupying the premises, and such identification sign shall not consist of an aggregate area in excess of 30 square feet.
- g. Fences or walls located on street or highway frontages shall be set back at least three feet from the property line. The area between the fence and the lot line shall be fully landscaped according to the specifications described in Section 22.52.630 (Landscaping). Landscaping shall be planted so as to completely screen the fence within five years from the date of erection of the fence.
- h. For properties abutting a residential zone, a landscaped buffer of at least five feet shall be provided and shall be automatically irrigated by a permanent watering system. One 15-gallon tree for every 50 square feet of landscaped area shall be planted equally spaced within the buffer strip.
- i. No planting area shall have a horizontal dimension of less than three feet.
- j. Landscaping shall be maintained in a neat, clean and healthful condition, including proper pruning, weeding, removal of litter, fertilizing and replacement of plants when necessary.
- k. A permanent watering system shall be provided which satisfactorily irrigates all planted areas. Where the watering system consists of hose bibs alone, these bibs shall be located not more than 50 feet apart within the required landscaped area. Sprinklers used to satisfy the requirements of this provision shall be spaced to assure complete coverage of the required landscape area.

- l. Buildings and structures shall be set back a minimum of ten feet from the front property line. The front 10 feet of the setback, not including access, parking, and circulation areas, shall be landscaped.
- m. In order to mitigate noise, all loading docks shall be located as far distant as feasible from adjoining residential zones.
- n. A building or structure located within 250 feet of a residential zone shall not exceed a height of 45 feet above grade, excluding chimneys and rooftop antennas.
- o. A building or structure located more than 250 feet from a residential zone shall not exceed a height of 90 feet above grade, excluding chimneys and rooftop antennas.
- p. The use authorized hereby shall be conducted at all times with due regard for the character of the surrounding neighborhood, and the right is reserved to the Regional Planning Commission to impose additional corrective conditions subject to proper notice and applicable procedures, if, in the Commission's opinion, such conditions are proven necessary for the protection of persons in the neighborhood or occupants of adjacent property.

Attachment:

Letter from Department of Public Works dated May 1, 2008

Letter from Fire Department dated June 18, 2008

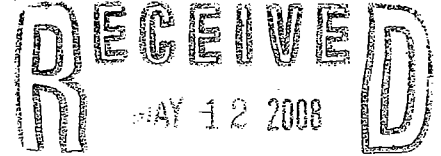


COUNTY OF LOS ANGELES

DEPARTMENT OF PUBLIC WORKS

"To Enrich Lives Through Effective and Caring Service"

900 SOUTH FREMONT AVENUE
ALHAMBRA, CALIFORNIA 91803-1331
Telephone: (626) 458-5100
<http://dpw.lacounty.gov>




DEAN D. EFSTATHIOU, Acting Director

ADDRESS ALL CORRESPONDENCE TO:
P.O. BOX 1460
ALHAMBRA, CALIFORNIA 91802-1460

May 1, 2008

IN REPLY PLEASE
REFER TO FILE: LD-1

TO: Mark Child, AICP
Zoning Permits I Section
Department of Regional Planning

FROM: Steve Sheridan 
Land Development Division

CONDITIONAL USE PERMIT (CUP) REVIEW AND COMMENT
PROJECT NO. R2006-03771
CUP NO. RCUP 200600326
13500 SOUTH BROADWAY
WEST RANCHO DOMINGUEZ AREA

- ☒ Public Works recommends approval of this CUP.
- ☐ Public Works does **NOT** recommend approval of this CUP.

We reviewed the site plan for the subject CUP. The permit is for the continued use of an existing industrial plant facility where gasoline, diesel oil, distillate products, and ethanol are received, stored, and loaded for tanker truck transportation.

Upon approval of the project, we recommend the following conditions:

1. Drainage
 - 1.1. Submit a Standard Urban Storm Water Mitigation Plan to Public Works for review and approval. For questions regarding drainage requirement, contact Nazem Said at (626) 458-4921.
2. Right of Way and Road Improvement Requirements
 - 2.1. Dedicate the right to restrict vehicle access on Broadway, 135th Street, and Main Street. Contact Thu Truong from our Mapping & Property Management Division, Engineering Section, for requirements and procedures at (626) 458-7106.

- 2.2. Close all unused driveways with standard curb, gutter, and sidewalk along Broadway and 135th Street to the satisfaction of Public Works.
- 2.3. Reconstruct any non-conforming parkway improvements (sidewalk, driveways, curb ramps, landings, etc.) that either serve or form a part of a Pedestrian Access Route to meet current American with Disabilities requirements to the satisfaction of Public Works.
- 2.4. Plant street trees on Broadway, 135th Street, and Main Street along the property frontage to the satisfaction of Public Works. Existing trees in dedicated or to be dedicated right of way shall be removed and replaced if not acceptable as street trees.
- 2.5. If no longer needed, remove the existing guardrails on 135th Street and replace with a full width sidewalk to the satisfaction of Public Works.

For questions regarding the items above, contact Andy Narag at (626) 458-4921.

3. Street Lighting Requirements

- 3.1. Provide street lights on concrete poles with underground wiring along the property frontage on South Broadway, 135th Street, and Main Street to the satisfaction of Public Works. Submit street lighting plans showing all existing lights along with existing and/or proposed underground utilities plans as soon as possible to the Street Lighting Section, Traffic and Lighting Division.
- 3.2. Upon approval of the CUP, the applicant shall enter into a secured agreement with the County of Los Angeles for the installation of the street lights in the amount of \$240,000.00. The applicant shall comply with all the conditions of acceptance in order for the lighting districts to pay for the future operation and maintenance of the street lights. The street lights shall be installed per approved plans prior to issuance of Certificate of Occupancy.

For questions regarding the items above, contact Jeff Chow at (626) 300-4752.

If you have any other questions or require additional information, please contact Simin Agahi (626) 458-4910.

SA:ca



COUNTY OF LOS ANGELES
FIRE DEPARTMENT

5823 Rickenbacker Road
Commerce, California 90040-3027

DATE: July 29, 2008

TO: Department of Regional Planning
Permits and Variances

PROJECT #: CUP R2006-03771

LOCATION: 13500 S. Broadway Street, Los Angeles

- ☐ The Fire Department Land Development Unit has no additional requirements for this permit.
- ☐ The required fire flow for this development is ____ gallons per minute for ____ hours. The water mains in the street fronting this property must be capable of delivering this flow at 20 psi residual pressure. ____ Hydrant(s) flowing simultaneously may be used to achieve the required fire flow.
- ☐ Verify ____ 6" X 4" X 2 1/2" fire hydrants, conforming to AWWA C503-75 or approved equal. All installations must meet Fire Department specifications. Fire hydrant systems must be installed in accordance with the Utility Manual of Ordinance 7834 and all installations must be inspected and flow tested prior to final approval.
- ☐ The required fire flow for private on-site hydrants is ____ gallons per minute at 20 psi. Each private on-site hydrant must be capable of flowing ____ gallons per minute at 20 psi with two hydrants flowing simultaneously, one of which must be the furthest from the public water source.
- ☐ This property is located within the area described by the Fire Department as the Very High Fire Hazard Severity Zone (VHFHSZ). A Preliminary Fuel Modification Plan shall be submitted and approved prior to the Public Hearing. For details contact the Fuel Modification Unit, Fire Station 32, 605 North Angeleno Avenue, Azusa, CA 91702-2904. They may be reached at (626) 969-5205.

☒ **Comments:** THIS PROJECT IS CLEAR FOR PUBLIC HEARING.

☒ **Location:** All existing public fire hydrant are adequate for this project.

☒ **Access:** Access is adequate for this project.

☒ **Special Requirements:** 1. All gates shall comply with Los Angeles County Fire Department Regulation 5.
2. Any future modifications shall be subject to review by the Fire Department.

Fire Protection facilities; including access must be provided prior to and during construction. Should any questions arise regarding this matter, please feel free to call our office at (323) 890-4243.

Inspector: Juan C. Padilla

Land Development Unit – Fire Prevention Division – Office (323) 890-4243 Fax (323) 890-9783

In addition to the information required in the application by Section 22.56.030, the applicant shall substantiate to the satisfaction of the hearing officer, the following facts:

A. That the requested use at the location proposed will not:

1. Adversely affect the health, peace, comfort or welfare of persons residing or working in the surround areas because:

The existing industrial facility will be maintained in its present state, with activity concentrated in the central area of the property. A spatial buffer separating on-site operations from the adjacent residences and businesses exists and will be maintained.

Access to and from the property will be maintained from a driveway on South Broadway. This access point is approximately one-third of a mile from the nearest residence.

Noise and lighting will not adversely affect adjacent uses, especially residences to the east, as tanker-truck loading and access will continue to occur on the western one-third of the property adjacent to South Broadway. Lighting is not required and will not be required adjacent to the residences because there is no on-site activity at this location.

Operations at the facility will not be expanded or changed in any way through this conditional use permit. No additional tanker-trucks will be required to serve the site and no additional employees will be needed.

2. Be materially detrimental to the use, enjoyment or valuation of property or other persons located in the vicinity of the site because:

The property and existing industrial facility are physically separated from adjacent uses by four-lane perimeter streets, and facility operations are generally concentrated on the central portion of the property. As such, the facility operations have not been and are not expected to be detrimental to the use or enjoyment of adjacent properties.

The adjacent warehouse and associated office uses are fully occupied with existing businesses. Similarly, the single-family subdivision to the east is also fully occupied. Because adjacent properties are well maintained and occupied, the existing facility has not adversely affected valuation of adjacent properties.

No changes are currently proposed to the current operation. As such, adverse effects on valuation are not expected in the future.

3. Jeopardize, endanger or otherwise constitute a menace to the public health, safety or general welfare because:

The property has been operating in its present state for many decades. ConocoPhillips is required by law and does have contingency plans (emergency action plan) to address spillage, vapor release, and fire emergencies.

A large water tank for fire fighting purposes is located on-site, on the west side of South Broadway. Additionally, a fire station is located approximately one mile to the south of the property to assist with ConocoPhillips' own abilities to address fire emergencies. Any emergency on the property could also be addressed by reciprocal aid agreements with the cities of Los Angeles, Gardena, Carson, and Compton.

The potential for tanker-truck accidents on surrounding streets is minimized by traffic signals and by maintaining only one ingress/egress point. A single access point enhances predictability for through-traffic, and ensures that drivers on the perimeter streets need not negotiate tanker truck traffic except at this one point. The potential for accidents at the access point is minimized by traffic signals at the Rosecrans Avenue and 135th Street intersections with South Broadway, which provide traffic breaks. A turning lane along the center of South Broadway further minimizes conflicts with through-traffic by allowing tanker-trucks the opportunity to more easily merge with through-traffic along South Broadway.

B. That the proposed site is adequate in size and shape to accommodate the yards, walls, fences, parking and loading facilities, landscaping and other development features prescribed in Title 22, or as is otherwise required in order to integrate said use with uses in the surrounding area.

No new use is proposed on the property. The existing use was established on the property more than half a century ago. As such, there is no issue associated with integrating the existing land use with other land uses in the surrounding area because the facility has existed for many decades.

Nevertheless, the conditional use permit will provide an opportunity to review the property for site development standards associated with the Heavy Manufacturing zone and to impose conditions of approval to ensure continuing compatibility with the land uses in the surrounding area.

C. That the proposed site is adequately served:

1. By highways or streets of sufficient width, and improved as necessary to carry the kind and quantity of traffic such use would generate:

Access for tanker-truck ingress and egress from the property is via a driveway on South Broadway. At this access point, the tanker-trucks can travel north or south along South Broadway, then travel west along either El Segundo Boulevard or Rosecrans Avenue to reach the Harbor Freeway (I-110).

The configuration of South Broadway adjacent to the property is a four-lane arterial with an additional center turning/merging lane. This configuration, along with signals at 135th Street and Rosecrans Avenue facilitate tanker-truck merging onto South Broadway, with a short drive along the arterials to the Harbor Freeway. Because the use and access to the property will not change, no additional street improvements should be required through this conditional use permit.

2. By other public or private service facilities as are required:

The property has been and will continue to be served by connections to existing potable water and sewer systems, as well as electrical service.

A fire station is located approximately one mile to the south of the property to assist with ConocoPhillips' own abilities to address fire emergencies. Any emergency on the property would also be addressed by reciprocal aid agreements with the cities of Los Angeles, Gardena, Carson, and Compton.

ZONE CHANGE-BURDEN OF PROOF**SECTION 22.16.110**

In addition to the information required in the petition by Section 22.16.100, the applicant shall substantiate to the satisfaction of the Commission the following facts.

A. Modified conditions warrant a revision in the zoning plan as it pertains to the area or district under consideration because:

An industrial facility has existed on the subject property for more than half a century. The existing facility is currently operated by ConocoPhillips and serves as a major distribution terminal where gasoline, diesel oil, distillate products, and ethanol are received, stored, and transferred via tanker-trucks to service stations throughout Southern California.

The property is depicted on the County of Los Angeles' official zoning maps as Restricted Heavy Manufacturing (M-1.5). The applicable Heavy Manufacturing zone permits other industrial uses such as explosives storage and surface mining operations, but does not permit the current use of the property. Accordingly, the long-established and current use of the property is legal nonconforming.

The ConocoPhillips terminal is vital to Southern California's motor vehicle-based economy. Tanker-trucks deliver gasoline and diesel fuel from this facility to service stations throughout the Southern California region. Continuing such an important regional facility as a legal non-conforming use is not in the public interest.

The requested zone change to Heavy Manufacturing (M-2) would conform the long-established use to the applicable zoning designation for the property, so long as a conditional use permit is approved. A conditional use permit is also being requested.

Without the requested zone change, the facility can continue to operate in its present state as a legal nonconforming use. As a legal nonconforming use, the existing industrial plant is restricted in its ability to improve and reconstruct the existing facilities. Once the existing use conforms to the applicable zoning designation, the use can be modified, subject to the approval of a present or future conditional use permit, facilities on the property can be improved, and in the event of damage or destruction, the facility can be rebuilt.

B. A need for the proposed classification exists within such area or district because:

The ConocoPhillips terminal is vital to Southern California's motor vehicle-based economy. The facility is the primary distribution leg for ConocoPhillips' Los Angeles Refinery operations and any disruption to terminal services could result in an adverse impact to the distribution of gasoline products to the greater Los-Angeles area. In

addition, tanker-trucks deliver gasoline and diesel fuel from this facility to service stations throughout the Southern California region. Continuing such an important regional facility as a legal non-conforming use is not in the public interest.

As a legal non-conforming use, there is greater uncertainty surrounding the ability of this vital terminal to continue servicing the Southern California region. If County policy were to require the future phase-out of legal non-conforming uses, the facility would most likely have to be closed. Relocating this facility to another nearby site would be commercially, if not actually, impossible and there is no known facility in the vicinity that could incorporate the capacity of this facility into their current operations. As such, it is in the public interest to approve a zone change to M-2 Heavy Manufacturing.

A zone change to Heavy Manufacturing would minimize the potential for the facility to be shut down and/or relocated. With a zone change and associated conditional use permit, the facility can continue to operate pursuant to conditions established as part of the requested conditional use permit, as a conforming use within the Heavy Manufacturing zone.

C. The particular property under consideration is a proper location for said zone classification within such area of district because:

The requested zone change from Restricted Heavy Manufacturing to Heavy Manufacturing would extend easterly to the existing Heavy Manufacturing zone depicted on the west side of South Broadway. The existing, adjacent Heavy Manufacturing zone encompasses another existing ConocoPhillips facility, which is a very similar land use.

Extending the Heavy Manufacturing zone easterly would depict the property within an appropriate zone for the long-established and current land use on the property.

The requested zone change would, through a conditional use permit, allow for continued operations of a long-established and vital land use at this location.

D. Placement of the proposed zone at such location will be in the interest of public health, safety and general welfare, and in conformity with good zoning practice because:

The existing facility has evolved to its present state over a 50-plus year period. During that time, the surrounding industrial, office and residential land uses have developed and remain viable (without any signs of deterioration or excessive number of vacancies). As such, the existing facility has not adversely affected the public health, safety, or general welfare of the adjacent businesses or residences.

The industrial activity on the site is concentrated in the center of the property, and there is a buffer between the industrial activity and adjacent land uses. This buffer will be maintained.

The existing land use will be maintained in its present state even with the zone change and conditional use permit. Business operations will remain exactly the same on the property. No additional tanker-trucks will access the site. No additional employees will be needed at the facility.

The only access to the facility will continue from South Broadway, with freeway access at either El Segundo Boulevard or Rosecrans Avenue along a short and generally commercial and industrial route. Tanker-trucks can access the property safely because of traffic breaks provided by signalization of the Rosecrans Avenue and 135th Street intersections with South Broadway.

Tanker-truck loading areas and garage services will remain over the western one-third of the property, away from residences and businesses.

On-site lighting is not located adjacent to the residences and no on-site lighting will be added to this area.

A fire station is located approximately one mile south of the facility. ConocoPhillips has onsite fire suppression equipment and trained personnel to address any potential emergency. Onsite personnel are trained to activate the fire suppression equipment. Additionally, any emergency can be handled through mutual aid agreements with the adjacent cities of Compton, Gardena, Carson, and Los Angeles.

ConocoPhillips will maintain its own internal safety procedures (emergency action plan), which has and will continue to minimize the potential for on-site emergencies.

**THE REGIONAL PLANNING COMMISSION
COUNTY OF LOS ANGELES
PROJECT R2006-03771-(2)
ZONE CHANGE 200600013-(2)**

WHEREAS, the Regional Planning Commission of the County of Los Angeles has conducted a public hearing in the matter of Zone Change Case 200600013-(2) on September 24, 2008:

WHEREAS, the Regional Planning Commission finds as follows:

1. The applicant is requesting a zone change from M-1.5 (Restricted Heavy Manufacturing) to M-2-DP (Heavy Manufacturing – Development Program) on a 11.9-acre site and a conditional use permit to continue the existing development, an industrial plant, for the storage and distribution of gasoline, diesel oil, distillate products, and ethanol. The “Development Program” designation of the zone change will limit development to the existing facilities and equipment after rezoning and conform to the approved site plan.
2. The zone change request was heard concurrently with Conditional Use Permit Case No. 200600326.
3. Conditional Use Permit Case No. 200600326 is a related request to continue the operation and maintenance of the existing development for the storage of oil, gasoline, and petroleum finished products and distribution of the same. M-2-DP zoning requires a conditional use permit for such use.
4. The purpose of the “Development Permit” designation is to limit development after rezoning to the existing development as depicted in the approved plans and exhibits.
5. The subject property is located at 13500 South Broadway Street, in the unincorporated community of West Rancho Dominguez – Victoria, within the Athens Zoned District.
6. The Los Angeles County General Plan Designation for this site is Major Industrial. The intent of this designation is to identify land suitable for manufacturing, warehouse and storage, and research and development. Though the plan recognized the need to preserve existing industrial land for future industrial growth, it also recognizes that some areas identified as Major Industrial may not be suitable for present or future industrial use due to conflicts with existing and emerging land use patterns. Therefore, the subject zone change is designated a “Development Program” zone, which limits development to the existing development.

7. The site plan, labeled "Exhibit A", shows two parcels with a total lot area of 11.9 acres developed with existing 12 oil tanks, office, garage, truck loading rack, 21 parking spaces and other appurtenant structures and equipment.
8. One person expressed concern that the zone change would allow for future expansion of the use at the subject property.
9. The requested zone change from M-1.5 to M-2-DP will not be out of character with the area, as the surrounding zoning to the north and south is M-1.5 and to the west, M-2. And the existing development was established and has continued since 1950's.
10. Pursuant to the provisions of Sections 22.60.174 and 22.60.175 of the County Code, the community was appropriately notified of the public hearing by mail, newspaper and on-site posting.
11. The location of the documents and other materials constituting the record of proceedings upon which the Commission's decision is based in this matter is at the Los Angeles County Department of Regional Planning, 13th Floor, Hall of Records, 320 West Temple Street, Los Angeles, CA 90012. The custodian of such documents and materials shall be the Section Head of the Zoning Permits I Section, Los Angeles County Department of Regional Planning.

RESOLVED, That the Regional Planning Commission recommends to the Board of Supervisors of the County of Los Angeles as follows:

1. Change of zone from M-1.5 to M-2-DP.
2. That the Board of Supervisors find the recommended zoning is consistent with the Los Angeles County General Plan.
3. That the Board of Supervisors hold a public hearing to consider the above recommended zone change.

I hereby certify that the foregoing resolution was adopted by a majority of the voting members of the Regional Planning Commission on the County of Los Angeles on September 24, 2008.

 Rosie Ruiz, Secretary
 County of Los Angeles
 Regional Planning Commission

VOTE:

Concurring:

Dissenting:

Abstaining:

Absent:

Action Date:

MC: MKK
9/24/08

DRAFT

ZONING CASE NUMBER 200600013-(2)

ORDINANCE NUMBER _____

An ordinance amending Section 22.16.230 of Title 22 of the County Code, changing regulations for the execution of the Los Angeles County General Plan, relating to the Athens Zoned District Number 57.

The Board of Supervisors of the County of Los Angeles ordains as follows:

SECTION 1. Section 22.16.230 of the County Code is amended by amending the map of the Athens Zoned District Number 57 as shown on the map attached hereto.

SECTION 2. The Board of Supervisors finds that this ordinance is consistent with the Los Angeles County General Plan of the County of Los Angeles.

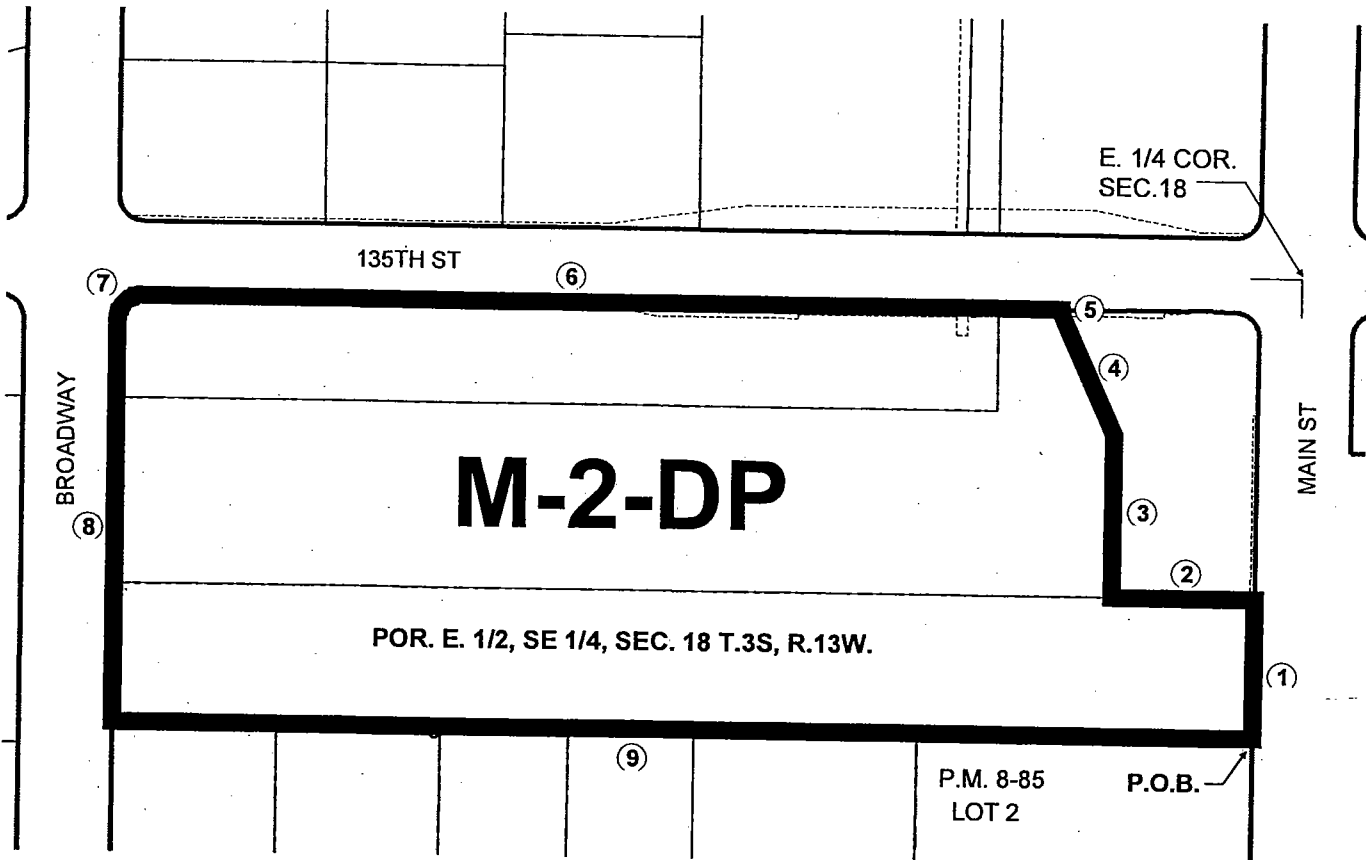
CHANGE OF PRECISE PLAN
ATHENS ZONED DISTRICT

ADOPTED BY ORDINANCE: _____

ON: _____

ZONING CASE: **ZC 2006-00013 (2)**

AMENDING SECTION: 22.16.230 OF THE COUNTY CODE



LEGAL DESCRIPTION:







THAT POR. OF THE N. 500' OF THE E. ½ OF THE SE. ¼ OF SEC. 18 T.3S. R.13W. SAN BERNARDINO MERIDIAN, IN THE COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, DESCRIBED AS FOLLOWS: COMMENCING AT THE NW. COR. OF LOT 2 OF PARCEL MAP AS PER BOOK 8 PAGE 85, IN THE OFFICE OF THE RECORDER OF SAID COUNTY


- (1) N'LY 150' ALONG THE W'LY LINE OF MAIN ST
- (2) W'LY 153' ALONG THE S. LINE OF N'LY 350' OF E. ½ OF SE. ¼ OF SAID SECTION
- (3) N.00-01-15E. 176.30'
- (4) N.24-43-57W. 143.06'
- (5) N.00-01-15E. 3.70' TO S'LY LINE OF 135TH ST
- (6) W'LY 986.18' ALONG SAID S'LY LINE
- (7) SW'LY 42.37' ALONG A CURVE CONCAVE TO SE., RADIUS 27', TANGENT TO SAID S'LY LINE OF 135TH AND TANGENT TO E'LY LINE OF BROADWAY
- (8) S'LY 433.04' ALONG E'LY LINE OF BROADWAY TO S. LINE OF N. 500' OF E. ½ OF SE. ¼ OF SAID SECTION
- (9) E'LY 1067.90' ALONG SAID S'LY LINE TO THE POINT OF BEGINING

DIGITAL DESCRIPTION: \ZCOVD_ATHENS\

THE REGIONAL PLANNING COMMISSION
COUNTY OF LOS ANGELES
HAROLD V. HELSLEY, CHAIR
BRUCE W. McCLENDON, PLANNING DIRECTOR

LEGEND:

-  PARCELS
-  STREET / RIGHT OF WAY
-  LOT LINE
-  CUT/DEED LINE
-  EASEMENT LINE
-  ZONE CHANGE AREA


0 100 200
FEET
COUNTY ZONING MAP
078H201

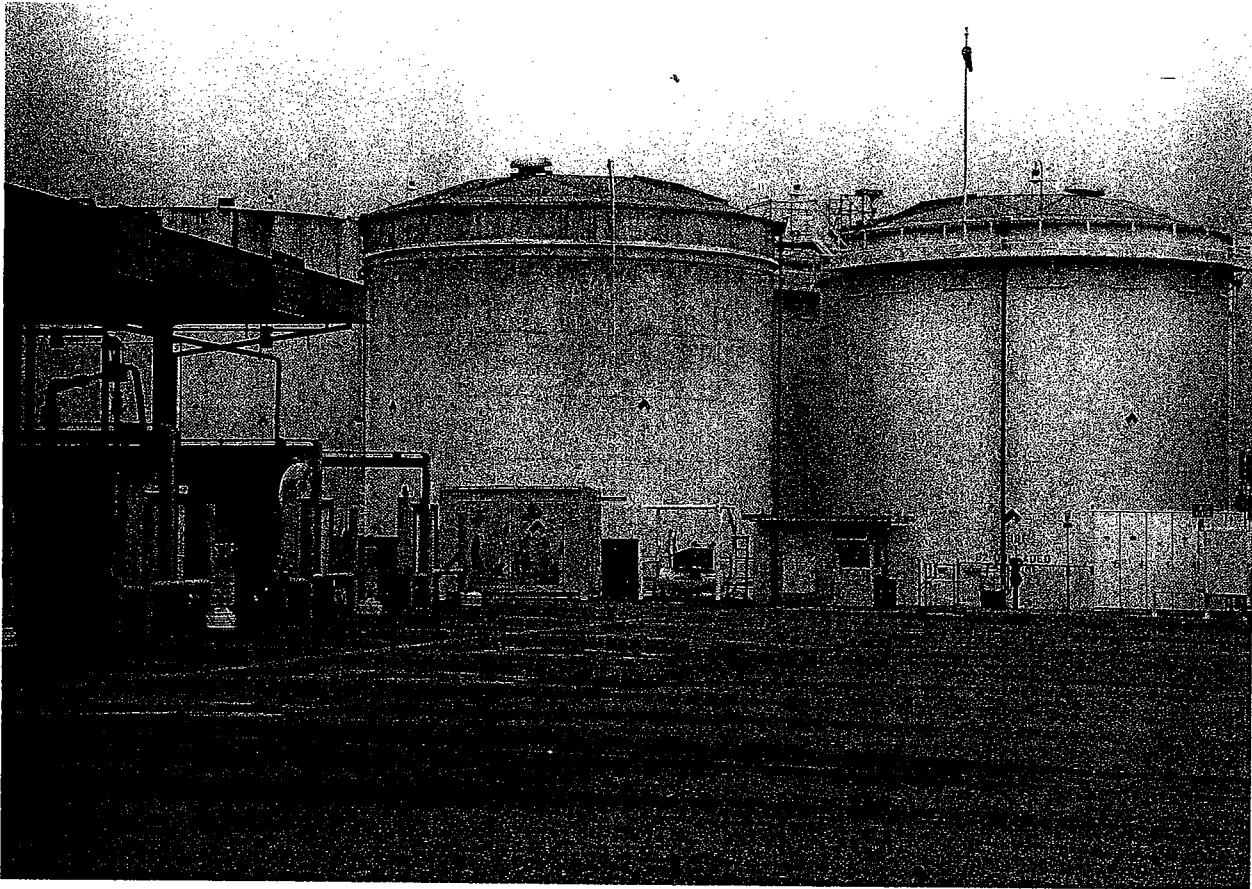
Subject Property



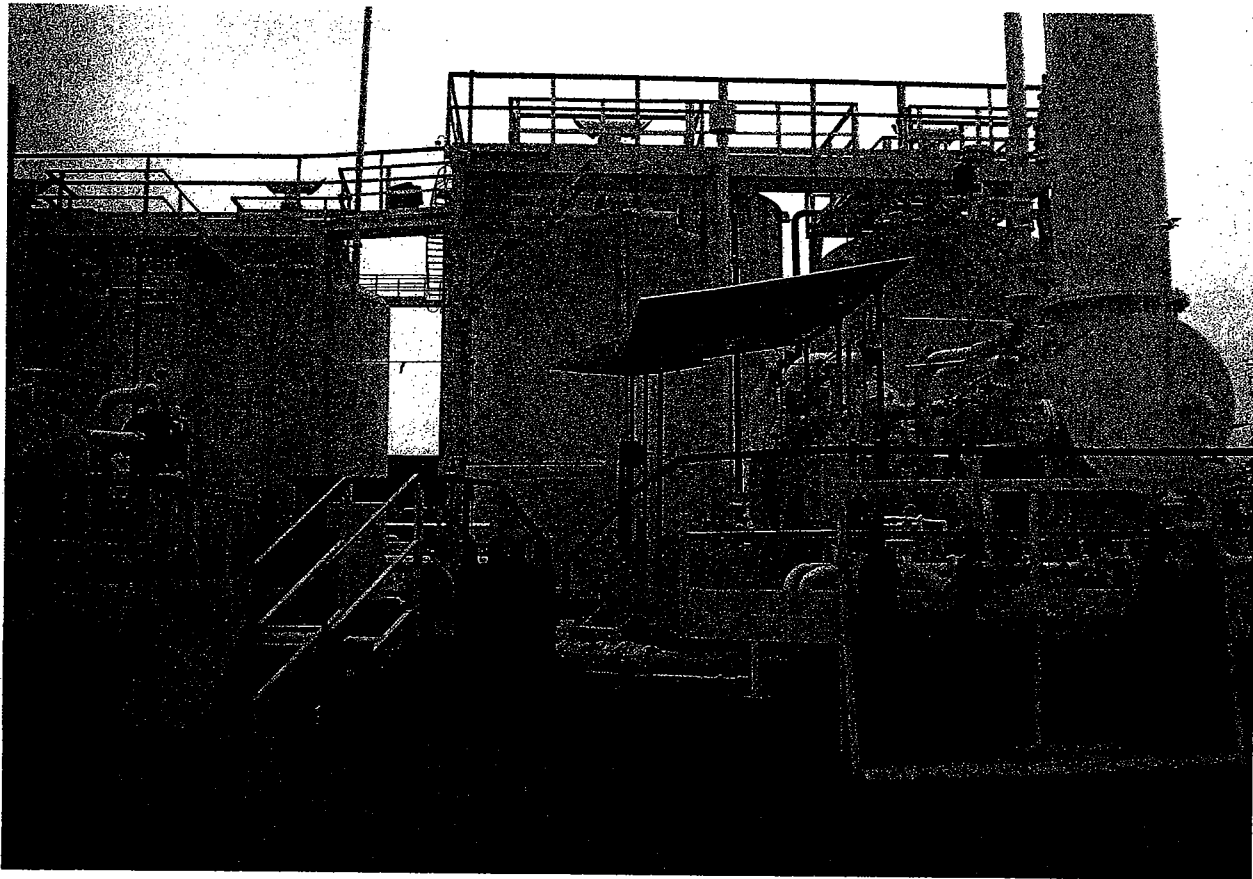
Fuel Loading Racks



Storage Tanks



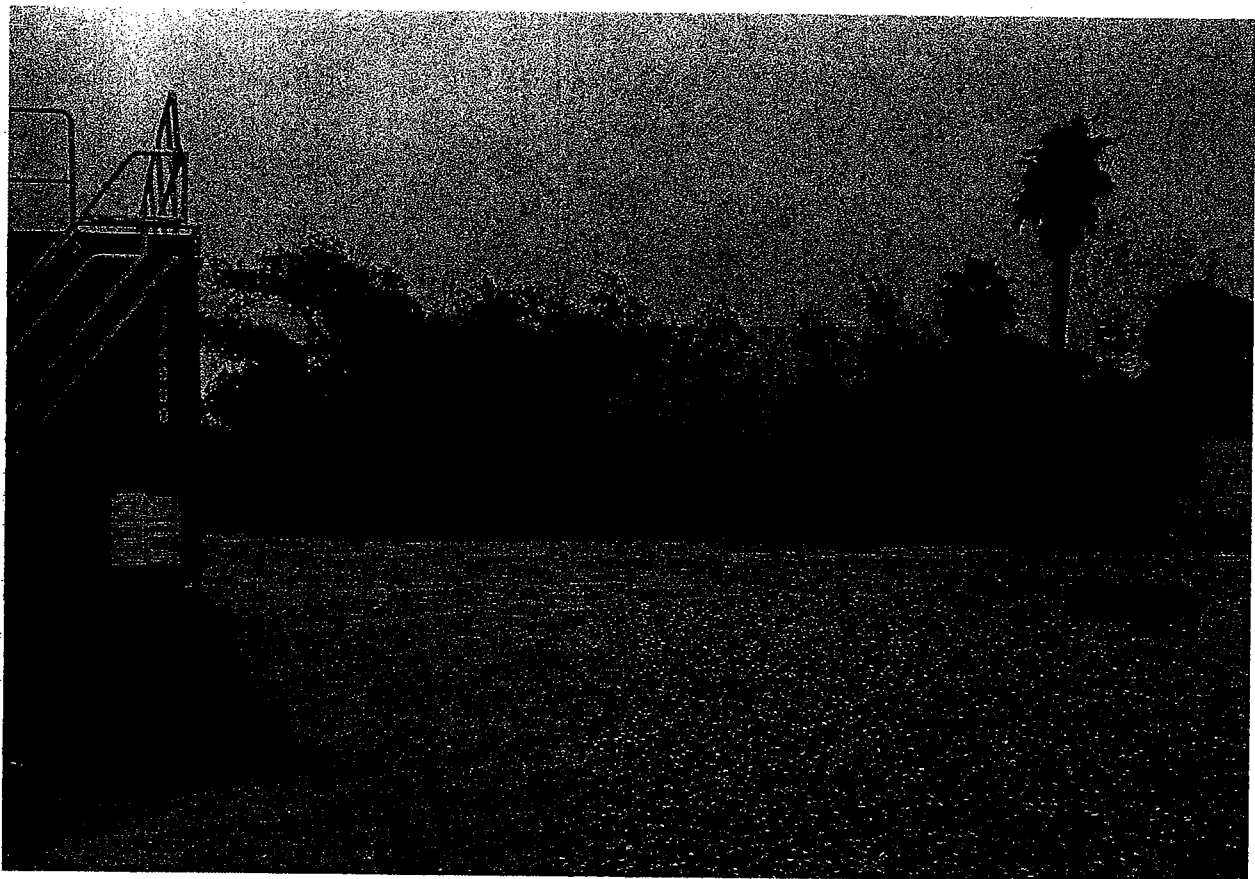
Storage Tanks



Garage



Pond and Shrubs



View East Towards Single Family Residential Neighborhood



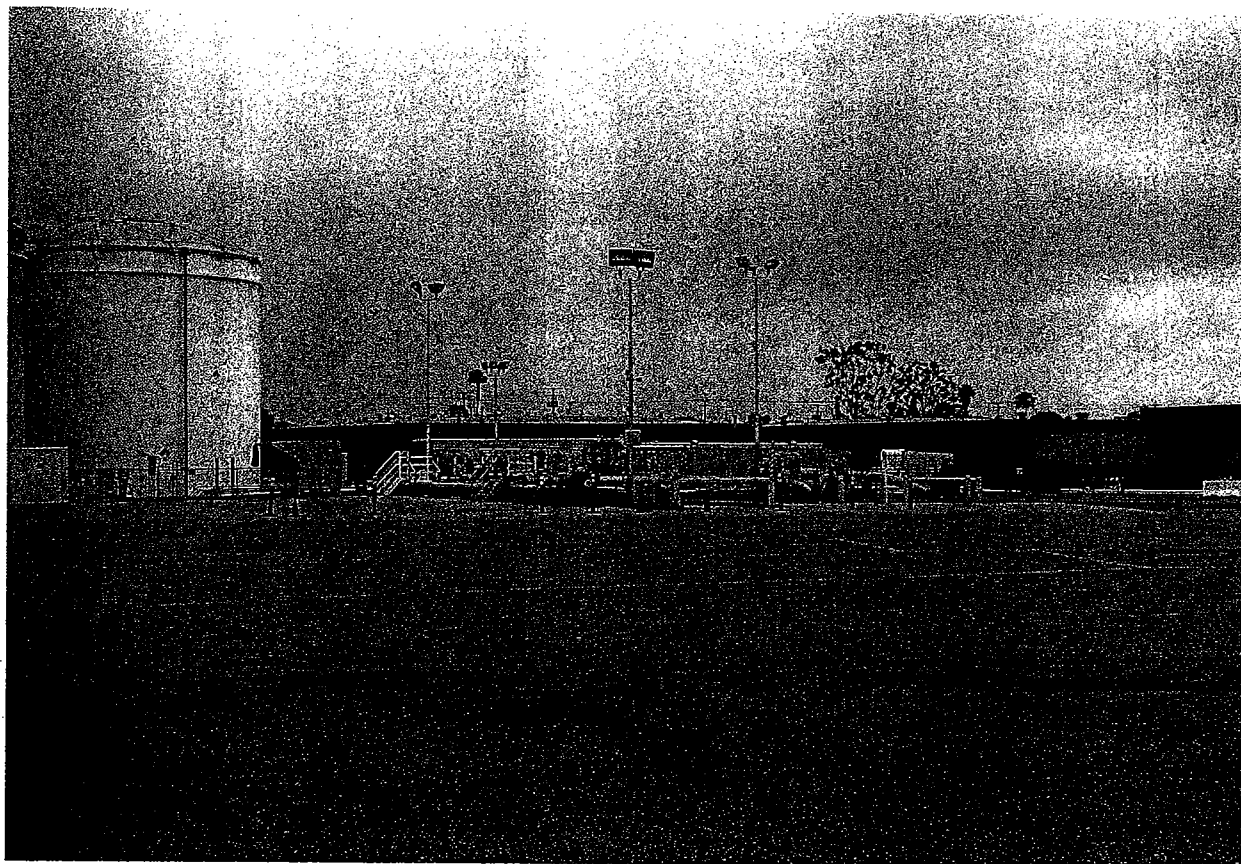
View East Towards Single Family Residential Neighborhood



View East Of Single Family Residential Neighborhood



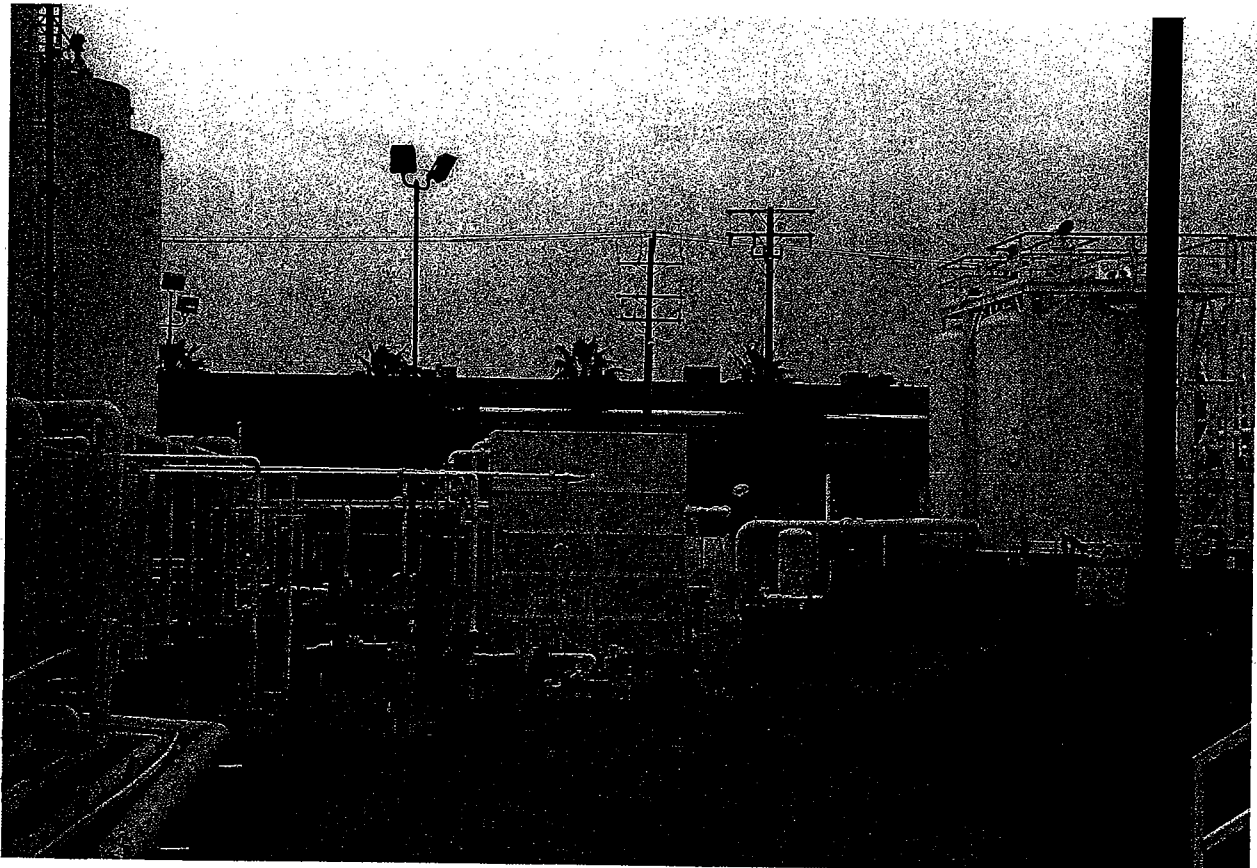
View South Towards Manufacturer/Warehouse



View South of Manufacturer/Warehouse



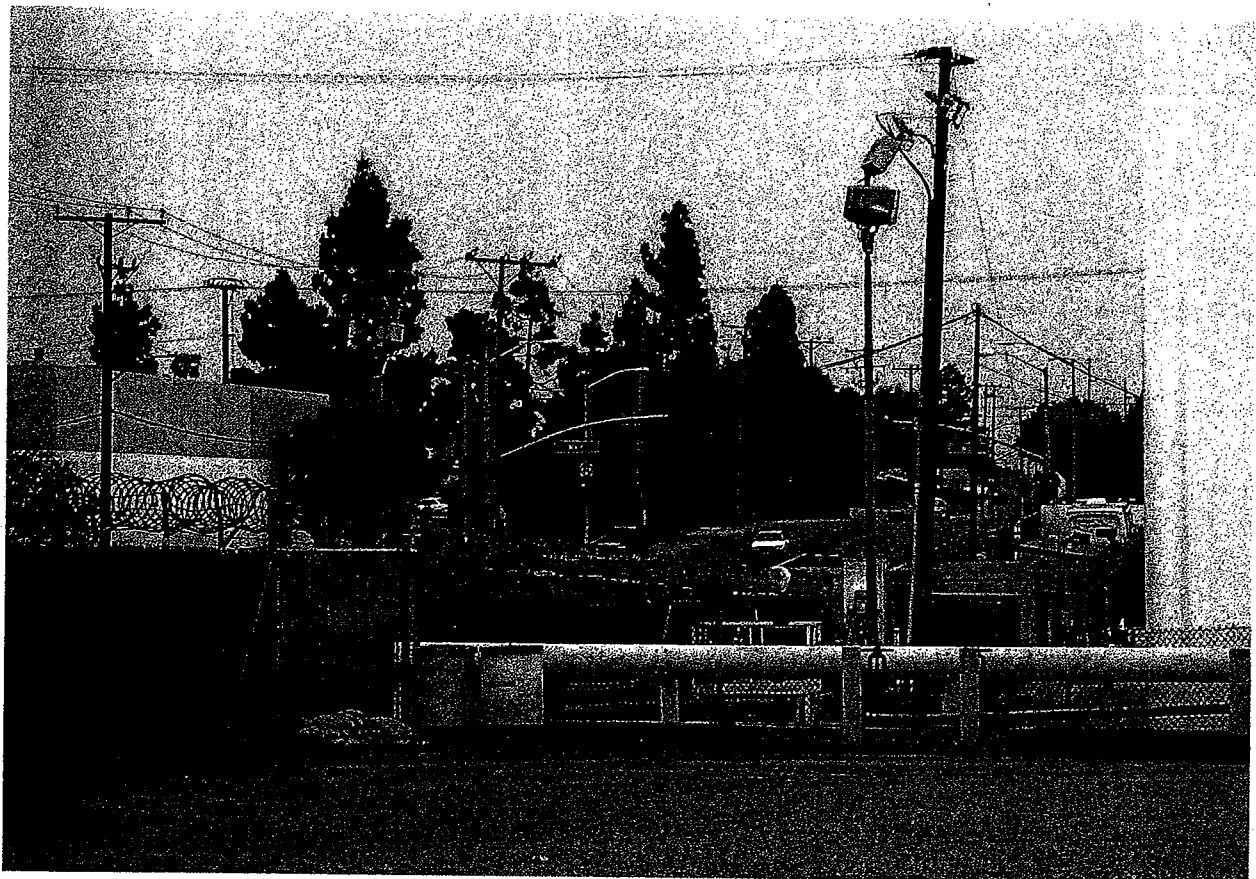
View North Towards Warehouse



View North of Warehouse



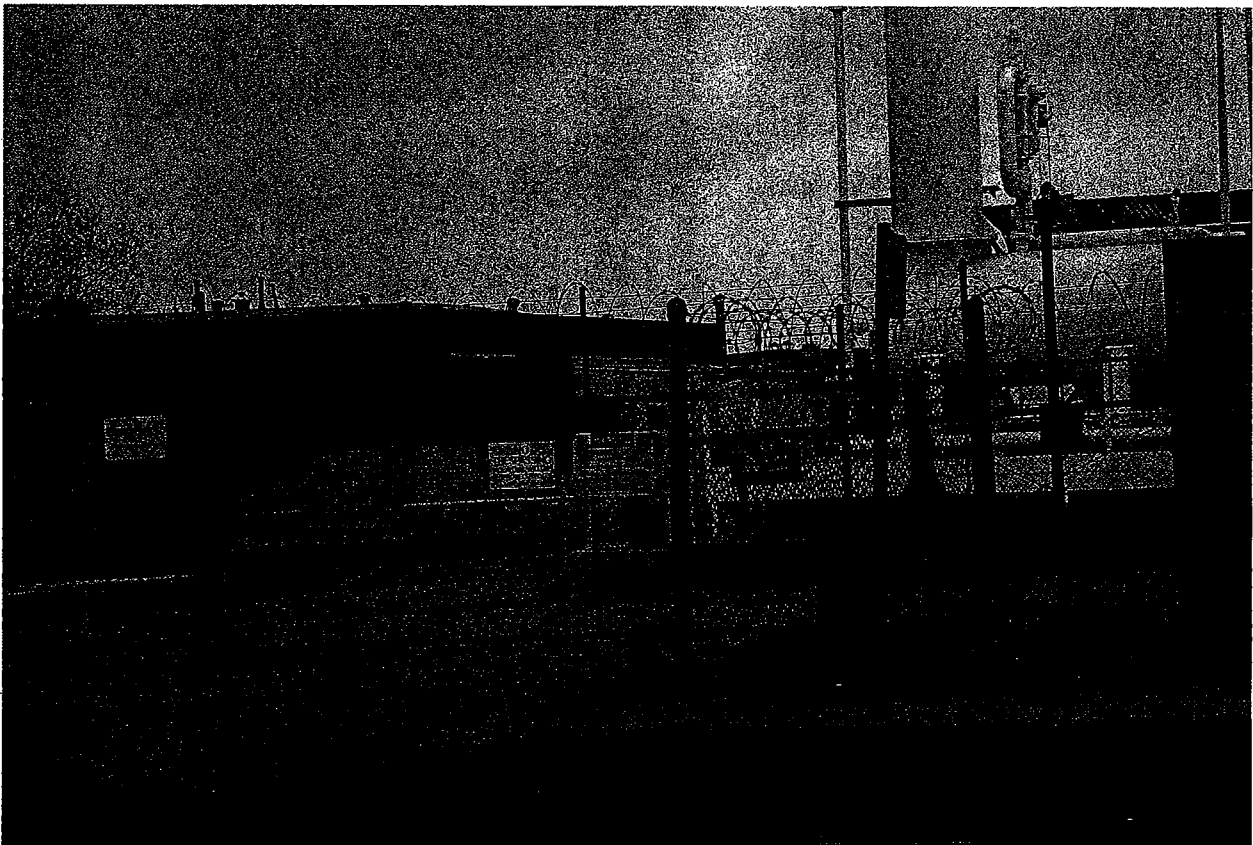
View North



View North



View From North Towards Subject Site



View From East Towards Subject Site



View From East Towards Subject Site





Los Angeles County
Department of Regional Planning


Planning for the Challenges Ahead



Bruce W. McClendon FAICP
Director of Planning

September 18, 2008

TO: Harold V. Helsley, Chair
Leslie G. Bellamy, Vice-Chair
Wayne Rew, Commissioner
Pat Modugno, Commissioner
Esther L. Valadez, Commissioner

FROM: Mark Child 
Section Head, Zoning Permits I

SUBJECT: Project No. R2006-03771-(2)
Conditional Use Permit No. RCUP200600013
September 24, 2008 Regional Planning Commission Meeting
Agenda Item No. 7

Please see the attached additional correspondence received for the above project.

MC



Cox, Castle & Nicholson LLP
2049 Century Park East, 28th Floor
Los Angeles, California 90067-3284
P 310.277.4222 F 310.277.7889

Charles J. Moore
310.284.2286
cmoore@coxcastle.com

September 18, 2008

File No. 41040

Regional Planning Commission
County of Los Angeles
170 Hall of Records
320 W. Temple Street
Los Angeles, CA 90012

**Re: Proposed Zone Change and Conditional Use Permit to Conform
Operation of Existing Industrial Facility to County Zoning
Regulations; Regional Planning Commission Hearing Date:
September 24, 2008**

Dear Commissioners:

We represent the applicant for this project, ConocoPhillips Company ("ConocoPhillips"). ConocoPhillips is requesting a zone change and conditional use permit to allow the continued operation and maintenance of an existing industrial plant for the receipt, storage and distribution of gasoline, diesel, ethanol and distillate products. The zone change and conditional use permit request, if approved, will eliminate the property's legal nonconforming status.

The existing terminal facility is located at 13500 South Broadway, near Rosecrans Avenue, within the West Rancho Dominguez-Victoria Community, Athens Zoned District. **Tab 1** provides an aerial photograph of the facility. The facility is within an industrial area, surrounded by manufacturing, trucking, warehouse and office uses. An established residential neighborhood is located to the east, across Main Street.

The subject property is currently developed with 12 motor fuel storage tanks, an office building, a garage, six truck loading racks, dispensing area and other appurtenant tanks and structures. Representative photographs of the site are at **Tab 2**. The facility has operated successfully, without incident or complaint, for more than half a century.

The Long-Established Facility is Vital for the Greater Los Angeles Area

The ConocoPhillips facility is vital to the economy of the greater Los Angeles area, as it is the primary distribution center for ConocoPhillips' regional refinery operations. Gasoline stations throughout Southern California depend on this facility for

deliveries of gasoline and diesel fuel. Any disruption in terminal services could adversely impact the distribution of motor fuel to the greater Los Angeles area. The facility plays a vital role in maintaining mobility in the region and is a critical component of the local and regional economy. As such, it is important that the long-standing use of this property be brought into compliance with the County Code.

The Existing Facility is a Legal Non-Conforming Use

The ConocoPhillips property is currently depicted on the County of Los Angeles official zoning maps as Restricted Heavy Manufacturing (M-1.5). Storage of oil, gasoline and other petroleum products is not permitted in this zone.

The Sole Purpose of the Application is to Eliminate the Property's Legal Non-Conforming Status

In December, 2006, ConocoPhillips filed a request for a zone change, conditional use permit and development program. The request would change the zoning designation for the site from Restricted Heavy Manufacturing (M-1.5) to Heavy Manufacturing (M-2). The proposed category is compatible with existing Heavy Manufacturing (M-2) zoning to the west, across South Broadway.

The purpose of the request is solely to conform operations on the property to the County Code. No changes in the long-standing and current operations are proposed. The development program designation ("M-2-DP") limits the zone change to the current land use, as depicted in the facility's site plan. A copy of the site plan is included at Tab 3.

Both the Existing Development and the Rezoning of the Subject Property are Compatible With Designated Land Use Policies and Goals

The land use designation for the subject property within the General Plan is "I" – Major Industrial. Both the existing development and the requested rezoning are compatible with the designated land use policies and goals.

For example, General Plan Land Use Objective, P. LU-8, is "[t]o provide for land use arrangements that take full advantage of existing public service and facility capacities." The subject property is located in a developed urban area surrounded by other industrial uses, with access to transportation corridors, public services and utilities, including water, sewer and electricity.

General Plan Land Use Policy 4, LU-9 "[p]rotect[s] prime industrial lands from encroachment of incompatible uses." The existing industrial plant was first established in

the 1950's. The property is nearly surrounded by manufacturing businesses and warehouses.

Other General Plan policies and goals designed to promote industrial uses, as well as protect neighboring activities, are also satisfied by the proposed project.

ConocoPhillips Fully Supports the Proposed Findings and Staff Recommendations

ConocoPhillips has reviewed the Staff Analysis evaluating the requested applications and fully supports the proposed findings and staff recommendations.

ConocoPhillips' comments on the Staff Analysis are provided below. As stated above, ConocoPhillips merely wishes to clarify certain of the proposed conditions.

ConocoPhillips respectfully requests Commission support to submit revised site plans in the future to reflect changes necessitated by the industry and technological advancements, which could include replacement of existing storage tanks, facility upgrades and other changes necessary to comply with government rules and regulations.

Pursuant to discussions with the Department of Public Works, ConocoPhillips agreed to remove the guardrails located at the edge of the sidewalk along 135th Street, east of the Broadway intersection, because the guardrails do not satisfy current County standards. Should any action be filed against the County as a result of removal of the guardrails, ConocoPhillips believes that it should not have to share in the cost of that action.

Site topography makes it impossible to fully modify the existing secondary access driveway on 135th Street for handicapped access. ConocoPhillips and the Department reviewed the issue on site and ConocoPhillips agreed to submit drawings showing the proposed extent of the modification. Based on this, the Department will advise the Commission at the public hearing.

Condition Number 25 is unclear with regard to whether landscaping is required along the entire perimeter or just along the side of the property facing the residential use. Regardless, the perimeter sidewalk adjacent to the street is generally more narrow than the three to five feet specified in the condition, and would not allow for landscaping to be installed in the right of way. Therefore, most of the landscaping will have to be provided within the facility's property line. Within the property line along Broadway and 135th Street, the facility is constrained by driveways, tanker truck movement and the location of storage tanks. This does not allow sufficient space for extensive landscaping, especially the planting of large trees. Thus, landscaping will necessarily be somewhat

limited due to the constraints imposed by the existing use on the property. ConocoPhillips will submit a landscaping plan for review and approval.

Conclusion

The purpose of this request is simply to conform the current operations on the subject property to the County Code, through a zone change from M.1-5 to M.2 and issuance of a conditional use permit. No changes to the long-established and current operations are proposed, as evidenced by ConocoPhillips' acceptance of the development program designation. ConocoPhillips respectfully requests a recommendation of approval for the zone change, conditional use permit and development program application by this Commission to the Board of Supervisors, as proposed by staff, subject to the clarifications provided above.

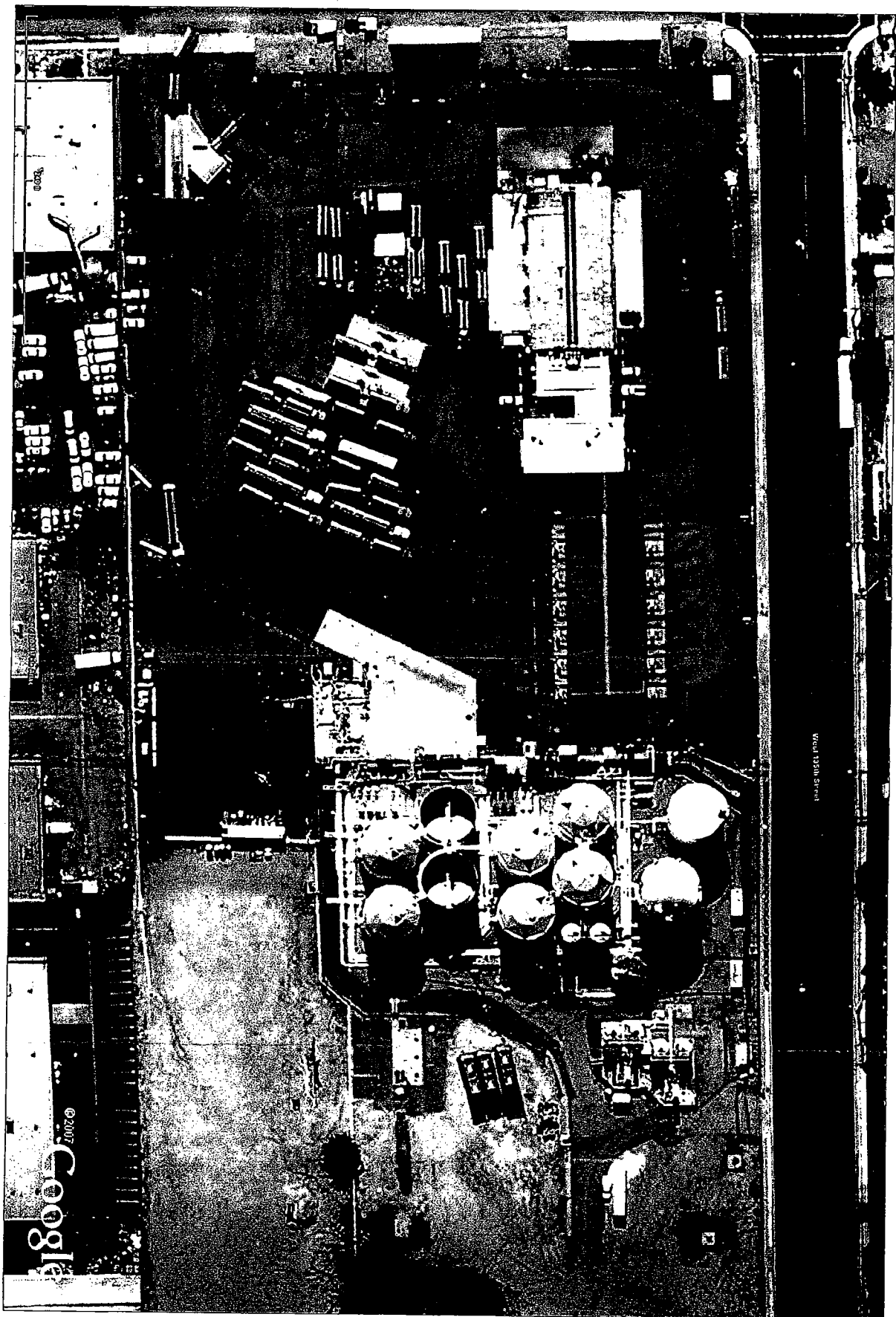
Allowing such an important facility to continue as a legal non-conforming use is not in the public interest. There is a pressing need to insure that the terminal can continue to provide gasoline and diesel fuel for the greater Los Angeles area, without the uncertainties inherent in zoning nonconformity.

Very truly yours,


Charles J. Moore

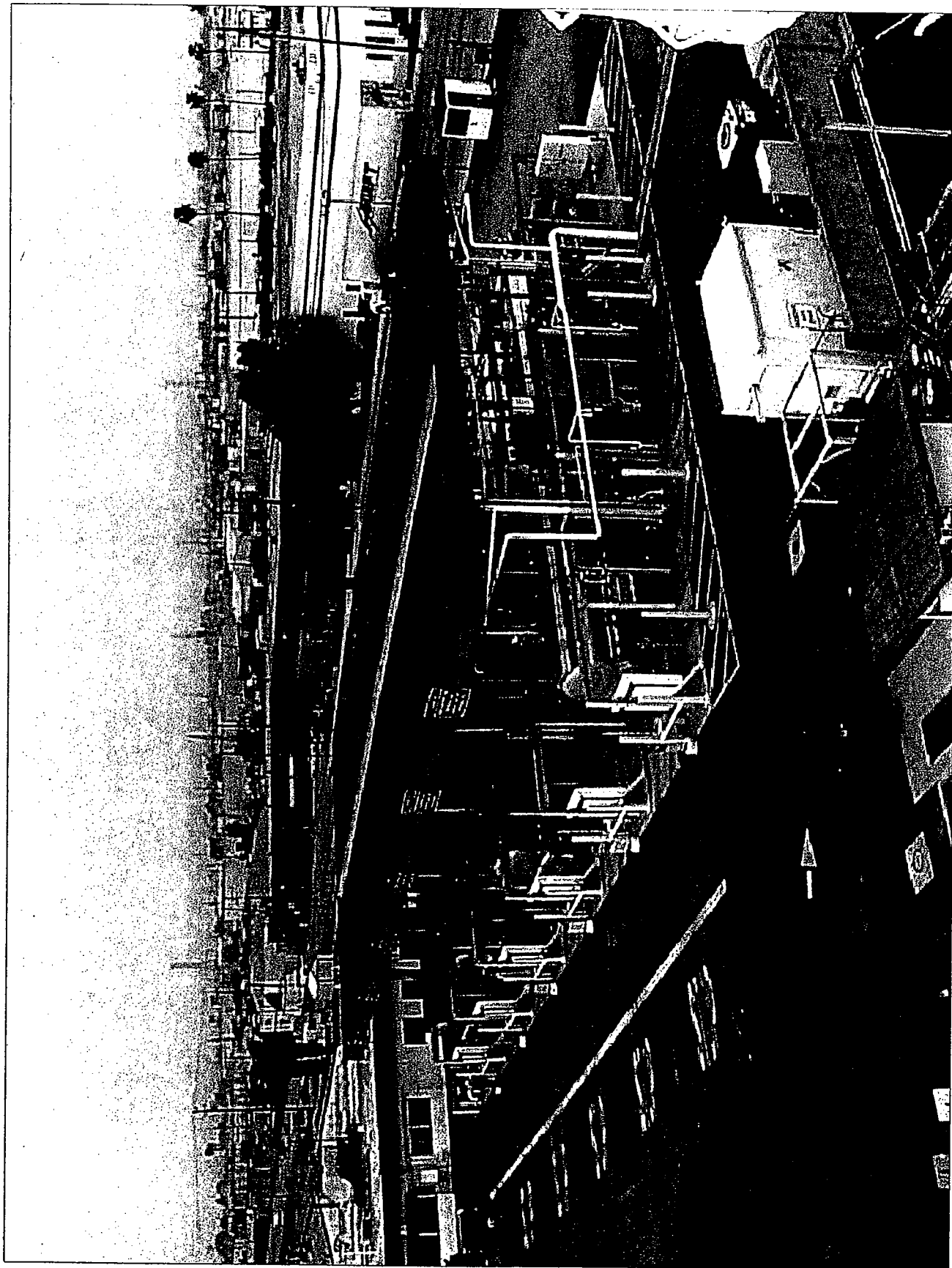
DRB/kaj

Cc: Bruce McClendon
Jon Sanabria
Mark Child
Patricia Keane
Mi Kim
Mike Bohlke



WINDY HILL STREET

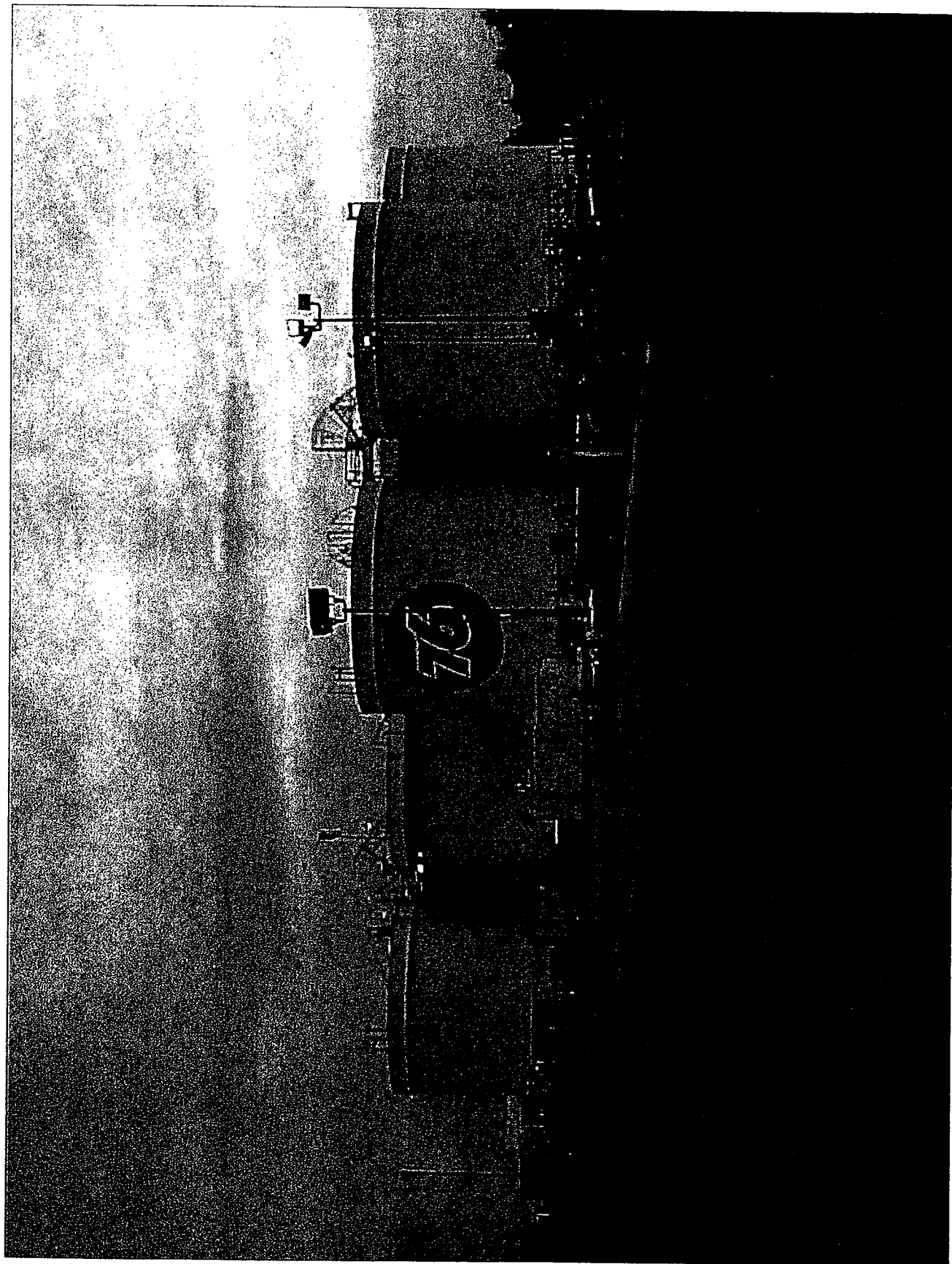
© 2007
Google
Scale: 1" = 50' (1:1600)
Scale: 1" = 100' (1:1200)



LOOKING NORTH—WEST FROM TANK AREA
TANKER TRUCK PRODUCT LOADING



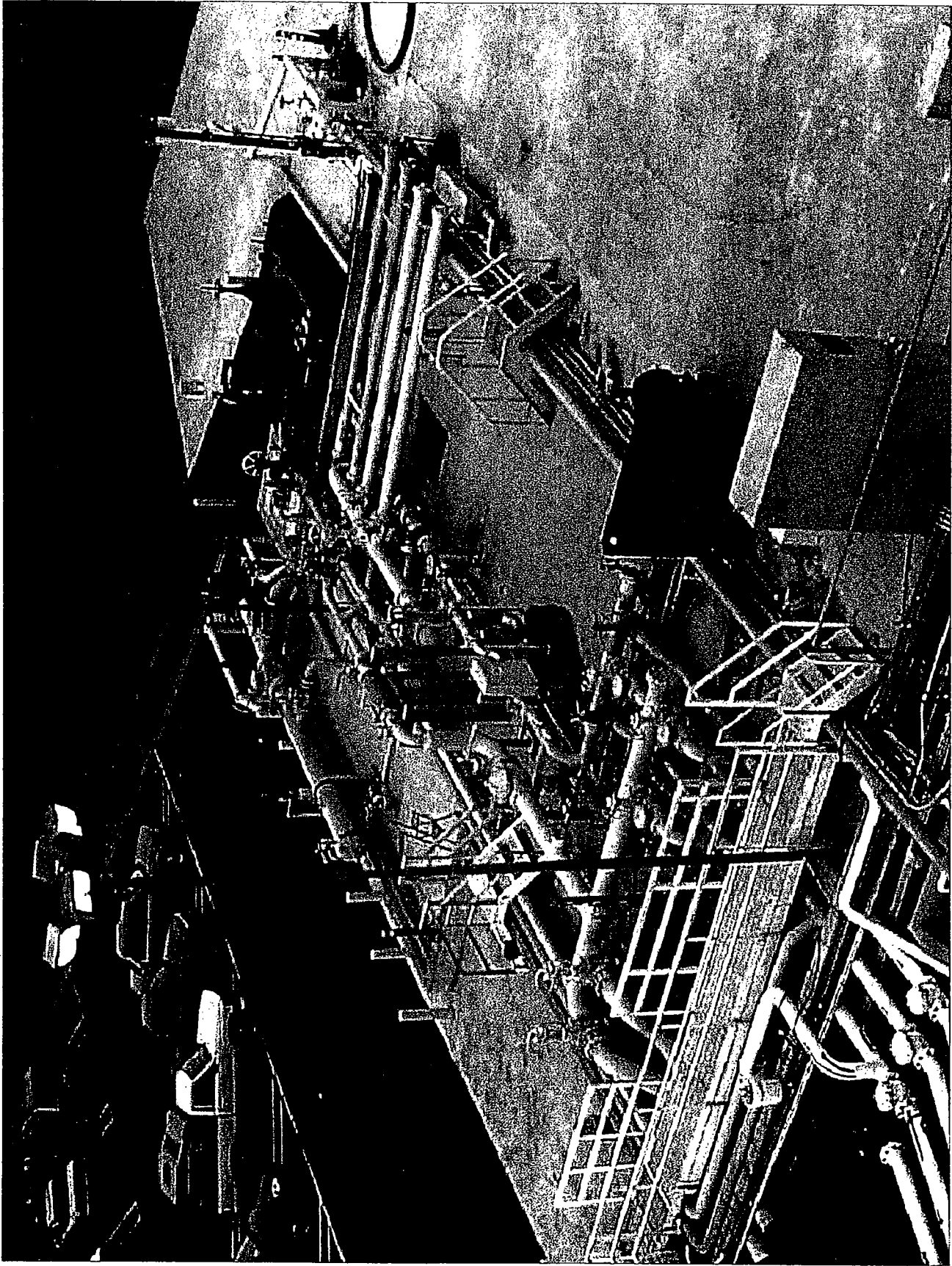
LOOKING NORTH
TANKER TRUCK PRODUCT LOADING RACK



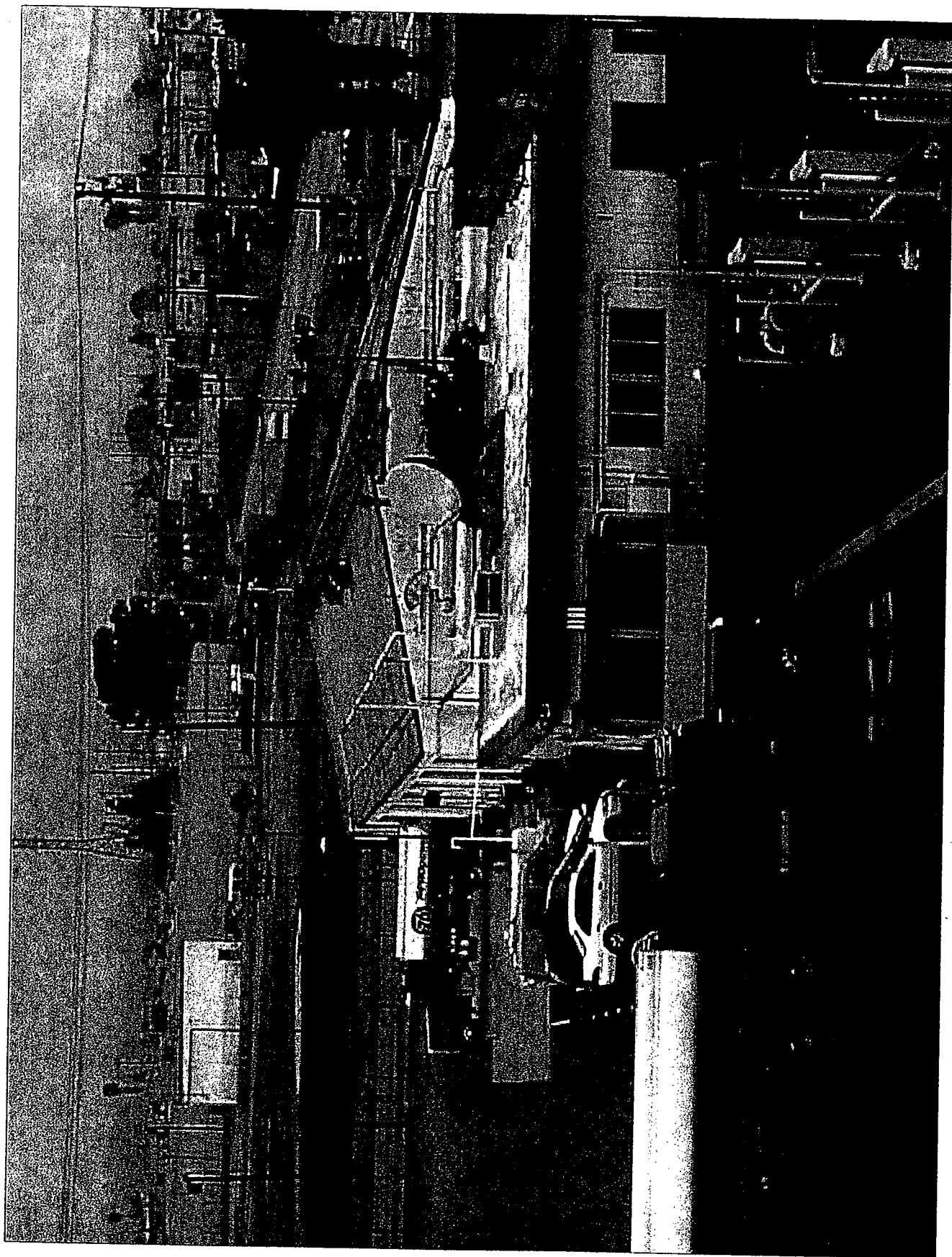
LOOKING NORTH-EAST
STORAGE TANK FARM AREA
WITH TRUCK ADDITIVE OFFLOADING
AND RECEIVING MANIFOLD IN FOREGROUND



**ConocoPhillips
Pipe Line Company**



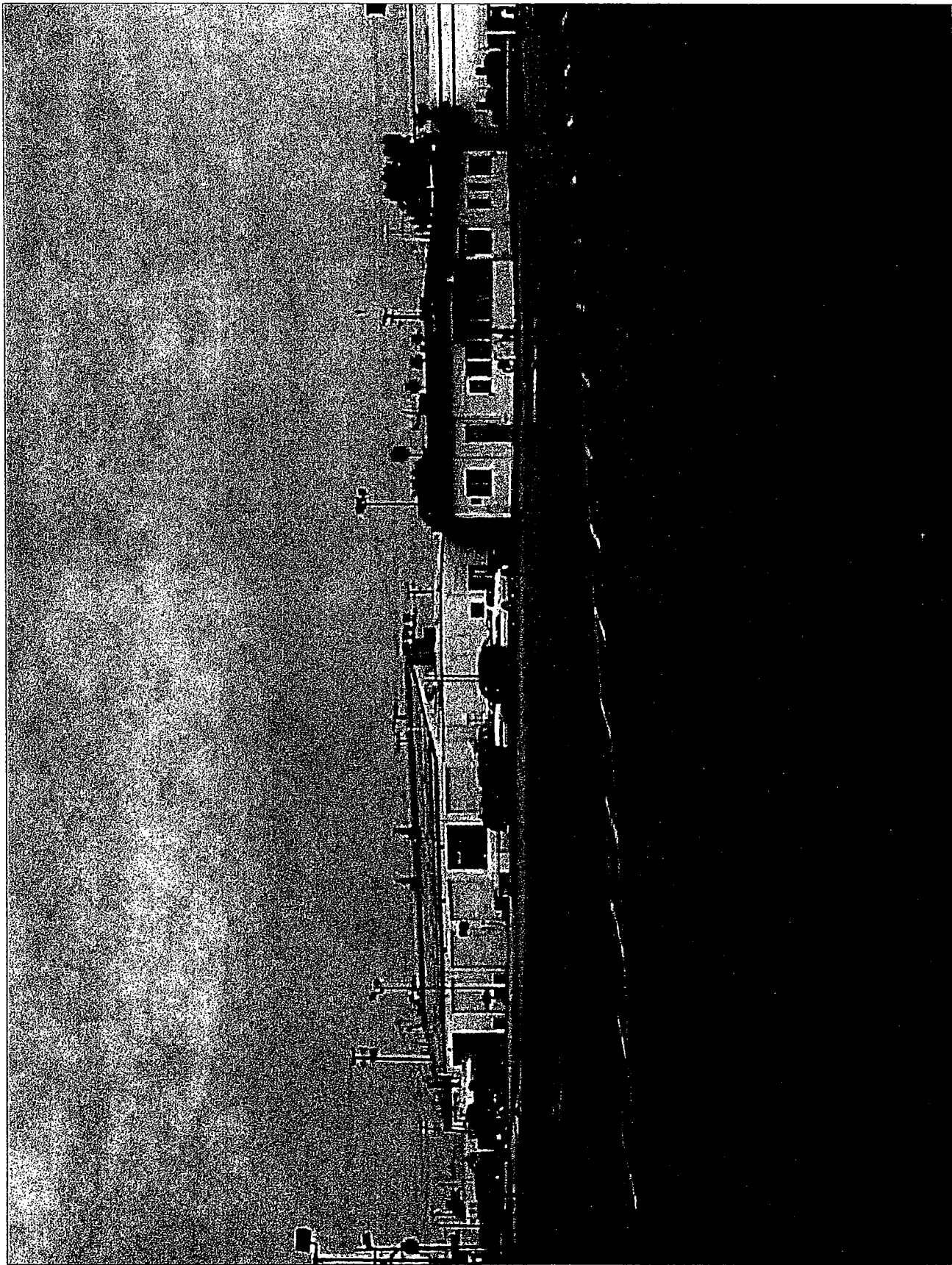
LOOKING SOUTH—WEST FROM TANK AREA
RECEIVING MANIFOLD



LOOKING WEST

TERMINAL OFFICES BUILDING (FOREGROUND)
TANKER TRUCK MAINTENANCE GARAGE (BACKGROUND)

 **ConocoPhillips**
Pipe Line Company



LOOKING NORTH-WEST
TERMINAL OFFICE BUILDING AND
TANKER TRUCK MAINTENANCE GARAGE



LOOKING SOUTH-EAST
VAPOR RECOVERY UNIT (VRU)



Los Angeles County Department of Regional Planning
320 West Temple Street, Los Angeles, California 90012
Telephone (213) 974-6443

PROJECT NO. R2006-03771-(2)

CASE NO. RCUP 200600326-(2)
RZC 200600013-(2)

RPC/HO MEETING DATE	CONTINUE TO
AGENDA ITEM	
PUBLIC HEARING DATE September 24, 2008	

APPLICANT ConocoPhillips Company	OWNER ConocoPhillips Company	REPRESENTATIVE Charles J. Moore, Esq
--	--	--

REQUEST

Conditional use permit and zone change from M-1.5 (Restricted Heavy Manufacturing) to M-2-DP (Heavy Manufacturing Development Permit) to allow the continued operation and maintenance of an existing facility for the storage and distribution of gasoline, diesel, ethanol, and distillate products.

LOCATION/ADDRESS

13500 South Broadway

ACCESS

South Broadway

ZONED DISTRICT

Athens

ASSESSORS PARCEL NUMBER

613-204-2022, 613-204-2023, 613-204-2024

COMMUNITY

West Rancho Dominguez - Victoria

SIZE

11.9 acres

COMMUNITY STANDARDS DISTRICT

West Rancho Dominguez - Victoria

	EXISTING LAND USE	EXISTING ZONING
Project Site	Industrial plant - oil terminal	M-1.5 (Restricted Heavy Manufacturing)
North	Warehouses	M-1.5, B-1 (Buffer Strip)
East	Single family residences	R-1 (Single Family Residence)
South	Manufacturing, warehouses	M-1.5, B-1
West	Gas and petroleum processing plant	M-2

GENERAL PLAN	DESIGNATION	MAXIMUM DENSITY	CONSISTENCY
Countywide	I - Major Industrial	N/A	See Staff Analysis

ENVIRONMENTAL DETERMINATION

Categorical Exemption

PROJECT DESCRIPTION

The subject property is a rectangular, flat, 11.9-acre lot. The site is developed with tanks for the storage of gasoline, diesel oil, ethanol, and distillate products; six truck loading racks and diesel dispensing area for the distribution of the aforementioned products; office building; garage; and other accessory structures. These facilities predate the ordinance regulating such facilities in the current designated zone. A zone change is requested to bring the use and zoning into consistency.

KEY ISSUES

- Satisfaction of Section 22.56.040 of Title 22 of the Los Angeles County Code, conditional use permit burden of proof requirements.
- Satisfaction of Part 2 of Chapter 22.16 of Title 22 of the Los Angeles County Code, Zone changes and amendments.
- Satisfaction of Part 7 of Chapter 22.52 of Title 22 of the Los Angeles County Code, Outside Storage and Display.
- Satisfaction of Section 22.44.130 of Title 22 of the Los Angeles County Code, West Rancho Dominguez - Victoria Community Standards District.
- Consistency with the General Plan.

TO BE COMPLETED ONLY ON CASES TO BE HEARD BY THE BOARD OF SUPERVISORS

STAFF CONTACT PERSON Mi Kim		
RPC HEARING DATE(S) September 24, 2008	RPC ACTION DATE September 24, 2008	RPC RECOMMENDATION Approval
MEMBERS VOTING AYE Bellamy, Valadez, Rew, Modugno	MEMBERS VOTING NO None	MEMBERS ABSTAINING None
STAFF RECOMMENDATION (PRIOR TO HEARING) Approval		
SPEAKERS* (O) 1 (F) Applicants (2)	PETITIONS (O) None (F) None	LETTERS (O) None (F) None

*(O) = Opponents (F) = In Favor